

WSR 15-15-013
PROPOSED RULES
CENTRALIA COLLEGE

[Filed July 6, 2015, 8:26 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-11-032.

Title of Rule and Other Identifying Information: Chapter 132L-300 WAC, discrimination and harassment complaint process (amending WAC 132L-300-010; repealing WAC 132L-300-020, 132L-300-030, 132L-300-040, 132L-300-050, 132L-300-060, 132L-300-070, 132L-300-080, 132L-300-085, 132L-300-090, 132L-300-100 and 132L-300-110; and new WAC 132L-300-015).

Chapter 132L-120 WAC, Centralia College—Student rights and responsibilities code (repealing chapter 132L-120 WAC in its entirety (WAC 132L-120-010, 132L-120-015, 132L-120-020, 132L-120-030, 132L-120-040, 132L-120-070, 132L-120-080, 132L-120-090, 132L-120-100, 132L-120-110, 132L-120-120, 132L-120-130, 132L-120-140, 132L-120-150, 132L-120-160, 132L-120-170, 132L-120-180, 132L-120-190, 132L-120-200, 132L-120-210, and 132L-120-220).

New chapter 132L-350 WAC, Centralia College—Student rights and responsibilities code (WAC 132L-350-005, 132L-350-010, 132L-350-015, 132L-350-020, 132L-350-030, 132L-350-040, 132L-350-070, 132L-350-080, 132L-350-090, 132L-350-100, 132L-350-110, 132L-350-120, 132L-350-130, 132L-350-140, 132L-350-150, 132L-350-160, 132L-350-170, 132L-350-180, 132L-350-190, 132L-350-200, 132L-350-210, 132L-350-220, 132L-350-230, 132L-350-240, 132L-350-250, 132L-350-260, and 132L-350-270).

Hearing Location(s): Centralia College Boardroom, 600 Centralia College Boulevard, Centralia, WA 98531-4099, on August 25, 2015, at 8:00.

Date of Intended Adoption: August 27, 2015.

Submit Written Comments to: Julie Ledford, Vice-President of Human Resources and Legal Affairs, 600 Centralia College Boulevard, Centralia, WA 98531-4099, e-mail jledford@centralia.edu, fax (360) 330-7103, by August 20, 2015.

Assistance for Persons with Disabilities: Contact Julie Ledford by August 20, 2015, (360) 736-9391 ext. 285.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amend to update and adopt WAC related to discrimination/harassment and the Centralia College student rights and responsibilities code.

Reasons Supporting Proposal: The college is in the process of amending to update its internal policy and procedures consistent with changes in governance structure, federal law (Title IX of the Education Amendments of 1972 and Violence Against Women Act (VAWA) and routine updates.

Statutory Authority for Adoption: RCW 28B.50.140 and chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Rule is necessary because of federal law, [no information supplied by agency].

Name of Proponent: Centralia College (District 12), governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Julie Ledford, Centralia, Washington, (360) 736-9391.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Centralia College has determined that [it] is not subject to the Regulatory Fairness Act because the rule is for the purpose of updating our internal policy and procedures consistent with changes in governance structure, and compliance with Title IX, United States Education Amendments of 1972.

A cost-benefit analysis is not required under RCW 34.05.328. Centralia College is not a listed agency in RCW 34.05.328.

July 6, 2015

Dr. Robert Frost
President

AMENDATORY SECTION (Amending WSR 04-19-062, filed 9/15/04, effective 10/16/04)

WAC 132L-300-010 ((General)) Discrimination and harassment policy. ~~((It is the policy of Centralia College to assure equal opportunity and nondiscrimination on the basis of race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation, age, religion, the presence of any sensory, mental or physical disability, and status as a disabled veteran or Vietnam era veteran or veteran of a uniformed service.))~~ Centralia College (college) provides equal opportunity and access in education and employment and does not discriminate on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Sections 504 and 508 of the Rehabilitation Act of 1973, the Americans with Disabilities Act and ADA Amendment Act, the Age Discrimination Act of 1975, the Violence Against Women Reauthorization Act and Washington state's law against discrimination, chapter 49.60 RCW and their implementing regulations.

The college has enacted policies prohibiting discrimination and harassment of members of these protected classes. Any individual found to be in violation of these policies will be subject to disciplinary action up to and including dismissal from the college or from employment.

NEW SECTION

WAC 132L-300-015 Discrimination and harassment procedure. Any employee, student, or visitor who believes that he or she has been the subject of discrimination or harassment should report the incident or incidents to the college's Title IX/Equal Opportunity (EO) officer identified below. The college encourages the timely reporting of any incidents of discrimination or harassment. If the complaint is against that officer, the complainant should report the matter to the president's office for referral to an alternate designee.

Name: Vice-president of human resources & legal affairs, Title IX/EO officer or designee.

Office: Hanson administration building, human resources office room 101.

Contact Info: 600 Centralia College Blvd, Centralia, WA 98531; phone 360-736-9391, ext. 285.

The Title IX/EO officer, or designee:

- Will accept all complaints and referrals from college employees, students, and visitors.
- Will keep accurate records of all complaints and referrals for the required time period.
- May conduct investigations or assign and oversee investigations conducted by others.
- May impose interim remedial measures to protect parties during investigations of discrimination or harassment.
- Will make findings of fact on investigations completed.
- May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate action.

The college encourages the timely reporting of any incident of discrimination or harassment.

(1) **Definitions.**

(a) **Complainant:** Employee(s), applicant(s), student(s), or visitor(s) of the college who allege that she or he has been subjected to discrimination or harassment due to membership in a protected class.

(b) **Complaint:** A description of facts that allege violation of the college's policy against discrimination or harassment. (The college has an official form as part of this procedure.)

(c) **Consent:** Knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(d) **Discrimination:** Unfavorable treatment of a person based on that person's membership or perceived membership in a protected class.

(e) **Harassment:** The unwelcome and unauthorized patterns of conduct, based on a person(s) race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national origin, disability, veteran status, or age, and which:

(i) The harasser either knows, or should know, will have the effect of making the college environment hostile, intimidating, or demeaning to the victim; and

(ii) In fact, is sufficiently, severe, persistent, or pervasive to substantially deny or limit that person's ability to benefit from or fully participate in educational programs or activities or employment opportunities.

(f) **Protected class:** Persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin,

age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal.

(g) **Resolution:** The means by which the complaint is finally addressed. This may be accomplished through informal or formal processes, including counseling, mediation, or the formal imposition of discipline.

(h) **Respondent:** Person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.

(i) **Sexual harassment:** A form of discrimination consisting of unwelcome, gender-based verbal, written, electronic, and/or physical conduct. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. There are two types of sexual harassment:

(i) Hostile environment sexual harassment occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the college's educational and/or social programs.

(ii) Quid pro quo sexual harassment occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

(j) **Sexual violence:** Is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal) however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

(iv) Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

(v) Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

(2) **Who may file a complaint.** Any employee, applicant, student, or visitor of the college may file a complaint. Complaints may be submitted in writing or verbally. The college encourages the timely reporting of any incidents of discrimination or harassment.

(3) **Confidentiality and right to privacy.** The college will seek to protect the privacy of the complainant to the full extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as the college policies and procedures. The college cannot guarantee complete confidentiality.

(4) **Confidentiality requests and sexual violence complaints.** The Title IX/EO coordinator will obtain consent from the complainant before commencing an investigation into a sexual violence complaint. If a sexual violence complainant asks that his or her name not be revealed to the respondent or that the college not investigate the allegation, the Title IX/EO coordinator will inform the complainant that maintaining confidentiality may limit the college's ability to fully respond to the allegations. If the complainant still insists that his or her name not be disclosed or that the college not investigate, the Title IX/EO coordinator will determine whether the college can honor the request and at the same time maintain a safe and nondiscriminatory environment for all members of the college community, including the complainant.

If the college is unable to honor a complainant's request for confidentiality, the Title IX/EO officer will notify the complainant of the decision and ensure that complainant's identity is disclosed only to the extent reasonably necessary to effectively conduct and complete the investigation.

If the college decides not to conduct an investigation or take disciplinary action because of a request for confidentiality, the Title IX/EO officer will evaluate whether other measures are available to limit the effects of the harassment and prevent its recurrence and implement such measures if reasonably feasible.

(5) **Investigation procedure.** Upon receiving a discrimination complaint, the college shall commence an impartial investigation. The Title IX/EO officer shall be responsible for overseeing all investigations. Investigations may be conducted by the Title IX/EO officer, or designee. If the investigation is assigned to someone other than the Title IX/EO officer, the Title IX/EO officer shall inform the complainant and respondent(s) of the appointment of an investigator.

Interim measures. The Title IX/EO officer may impose interim measures to protect the complainant and/or respondent pending the conclusion of the investigation.

Investigation. Complaints shall be thoroughly and impartially investigated. The investigation shall be concluded within a reasonable time, normally sixty days barring exigent circumstances.

At the conclusion of the investigation the investigator shall set forth his or her findings and recommendations in writing. If the investigator is a designee, the investigator shall send a copy of the findings and recommendations to the Title IX/EO officer.

Investigation findings and recommendations involving students may also result in student conduct violations and

result in discipline under the student conduct code. Investigation findings and recommendations involving employees may result in discipline. The findings and recommendations shall be considered based on the preponderance of the evidence standard, in determining whether a violation of the discrimination and harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on the victim(s), and prevents its recurrence.

Written notice of decision. The Title IX/EO officer will provide each party and the appropriate administrator or appointing authority with written notice of the investigative findings and of actions taken. The complainant shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint, if any, only to the extent that such findings, actions or recommendations directly relate to the complainant, such as a finding that the complaint is or is not meritorious or a recommendation that the accused not contact the complainant. The complainant may be notified generally that the matter has been referred for disciplinary action. The respondent shall be informed in writing of the findings and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations, subject to any FERPA confidentiality requirements.

Informal dispute resolution. Informal dispute resolution processes, like mediation, may be used to resolve complaints, when appropriate. Informal dispute resolution shall not be used to resolve sexual discrimination complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

Final decision/reconsideration. Either the complainant or the respondent may seek reconsideration of the decision by the Title IX/EO officer. Requests for reconsideration shall be submitted in writing to the Title IX/EO officer within seven days of receiving the decision. Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration. If no request for reconsideration is received within seven days, the decision becomes final. The Title IX/EO coordinator shall either deny the request or, if the Title IX/EO coordinator determines that the request for reconsideration has merit, issue an amended decision. Any amended decision is final and no further reconsideration is available.

(6) **Limits to authority.** Nothing in this procedure shall prevent the college president or designee from taking immediate disciplinary action in accordance with the college policies and procedures, and federal, state, and municipal rules and regulations.

(7) **Nonretaliation, intimidation and coercion.** Retaliation by, for, or against any participant (including complainant, respondent, witness, Title IX/EO officer, or investigator) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation or any resulting disciplinary proceedings

is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX/EO coordinator immediately.

(8) **Other discrimination complaint options.** Discrimination complaints may also be filed with the following federal and state agencies:

Washington state human rights commission, <http://www/hum.wa.gov/index.html>.

U.S. Department of Education Office for Civil Rights, <http://www2.ed.gov/about/offices/list/ocr/index.html>.

Equal Employment Opportunity Commission, <http://www.eeoc.gov/>.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132L-300-020 Applicability.

WAC 132L-300-030 Right to complain.

WAC 132L-300-040 Protection from retaliation.

WAC 132L-300-050 Informal complaint procedure.

WAC 132L-300-060 Outcomes of the informal complaint process.

WAC 132L-300-070 Time limit for formal complaint procedures.

WAC 132L-300-080 Formal complaint procedures against students.

WAC 132L-300-085 Formal complaint procedures against employees and/or agents of the college.

WAC 132L-300-090 Outcomes of the formal complaint process.

WAC 132L-300-100 Complainant appeal process.

WAC 132L-300-110 Responsibilities of the equal opportunity officer.

Chapter 132L-350 WAC

CENTRALIA COLLEGE—STUDENT RIGHTS AND RESPONSIBILITIES CODE

NEW SECTION

WAC 132L-350-005 Authority. The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice-president of student services, or designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

NEW SECTION

WAC 132L-350-010 Student responsibilities. Centralia College is a dynamic learning community that promotes

growth and development by offering opportunities to gain knowledge, entrance skills, examine values, and pursue learning options. The college is committed to quality life-long learning through its values of respect, responsibility, and responsiveness. To that end, Centralia College maintains a strong commitment to providing a civil and nondisruptive learning environment. Students are reminded that they assume certain responsibilities of performance and conduct which have been reasonably established in order to accomplish Centralia College's education goals. Therefore, the college expects that students will conduct themselves as responsible members of the college community, will comply with the rules and regulations of the college, will maintain high standards of integrity and honesty, and will respect the rights, privileges, and property of other members of the college community.

NEW SECTION

WAC 132L-350-015 Purpose. The purpose of these rules is to prescribe standards of conduct for students of Centralia College. Violations of these standards may be cause for disciplinary action as described in this code.

NEW SECTION

WAC 132L-350-020 Definitions. (1) As used in this chapter, the following words and phrases shall mean:

(a) "ASCC" refers to the associated students of Centralia College, the official student government association.

(b) "Assembly" means any overt activity engaged in by three or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons, or group of persons.

(c) "Board of trustees" or "board" means the board members appointed by the governor of the state of Washington who have final authority for the governance of Centralia College.

(d) "College" means Centralia College, or any additional community college hereafter established with Community College District 12, state of Washington, and collectively, those responsible for its control and operation.

(e) "College community" means trustees, students, employees, and guests on college-owned or controlled facilities.

(f) "College facilities" means and includes any or all property controlled and/or operated by the college.

(g) "College official" includes any person employed by the college performing assigned duties.

(h) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

(i) "Complainant" means any person who submits a charge alleging that a student violated the code of student conduct.

(j) "Conduct review officer" is the vice-president of student services or other college administrator designated by the president to be responsible for receiving and reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is

authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(k) "Controlled substance" means and includes any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(l) "Day" means a calendar day, except the effective day, of any provision of this chapter shall be the day following a Saturday, Sunday, or holiday.

(m) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(n) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student code officer. Disciplinary appeals from a suspension in excess of ten instructional days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

(o) "Faculty member" and "instructor" means any employee of Community College District No. 12 who is employed on a full-time or part-time basis as a teacher, instructor, counselor, or librarian.

(p) "Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(i) Hand delivery of the document to the specified college official or college official's assistant; or

(ii) By sending the document by e-mail and first class mail to the specified college official's office and college e-mail address.

(q) "Living group" means a fraternity, sorority, or other similar off-campus student organization officially recognized by Centralia College.

(r) "President" means the chief executive officer of the college appointed by the board of trustees, and for the purposes of this chapter includes "acting president" or the delegated authority in the absence of the president.

(s) "RCW" means Revised Code of Washington which can be accessed at <http://apps.leg.wa.gov/rcw/>.

(t) "Respondent" is the student against whom disciplinary action is initiated.

(u) "Service" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(i) Hand delivery of the document to the party; or

(ii) By sending the document by e-mail and by certified mail or first-class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited in the mail.

(v) "Student" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

(w) "Student conduct officer" is a college administrator designated by the president or vice-president of student services to be responsible for implementing and enforcing the student conduct code. The president or vice-president of student services is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(x) "Student group" means a number of students who are not officially recognized as a student organization.

(y) "Student organization" means a number of students who have complied with the formal requirements of college recognition as provided by the ASCC.

(z) "Summary hearing" means a short, concise, and immediate hearing.

(2) All other terms have their natural meaning unless the context dictates otherwise.

NEW SECTION

WAC 132L-350-030 Jurisdiction. The student conduct code shall apply to student conduct that occurs on college premises, to conduct that occurs at or in connection with college sponsored activities, or to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives. Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off-campus.

NEW SECTION

WAC 132L-350-040 General policies. (1) Centralia College is an agency of the state of Washington and adheres to all local, state, and federal laws. The college is obligated to demonstrate respect for laws by cooperating in their enforcement.

(2) Centralia College cannot and will not establish regulations that would abridge constitutional rights.

(3) Proper procedures are established to maintain conditions helpful to the effective function of the college, to protect individual students from unfair penalties, and to assure due process. Centralia College is granted the right by law to adopt rules to govern its operations.

(4) If these rules are broken, the college has the right and the obligation to take that action which is in the best interest of the entire college.

(5) Centralia College reserves the right to impose the provisions of this code and provide further sanctions before

or after law enforcement agencies, courts, or other agencies have imposed penalties or otherwise disposed of a case. College hearings are not subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed or reduced or in which the defendant has been found not guilty or otherwise not liable. In addition, the college reserves the right to refer incidents to the appropriate civilian authorities or law enforcement agencies.

(6) The ASCC has the right to participate in the formulation and review of all policies and rules pertaining to student conduct and in the enforcement of all such rules as provided by this chapter.

(7) This code will be printed and made available to students.

NEW SECTION

WAC 132L-350-070 Student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) **Academic freedom.**

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) **Due process.**

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

NEW SECTION

WAC 132L-350-080 Prohibited student conduct. The college may impose disciplinary sanctions against a student who commits, attempts to commit, aids, abets, incites,

encourages or assists another person or persons to commit, an act(s) of misconduct which include, but are not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.

(a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(2) **Other dishonesty.** Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) **Obstruction or disruption.** Obstruction or disruption of (a) any instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity, or (b) any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) **Assault, intimidation, harassment.** Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this subsection:

(a) Bullying is severe or pervasive physical or verbal abuse involving a power imbalance between the aggressor and victim.

(b) Stalking is intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the perpetrator lacks such an intent.

(5) **Cyber misconduct.** Cyberstalking, cyberbullying or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social medial sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are

not limited to, unauthorized monitoring of another's e-mail communication directly or through spyware, sending threatening e-mails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's e-mail identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) **Property violation.** Damage to, or theft or misuse of, real or personal property or money of:

(a) The college or state;

(b) Any student or college officer, employee, or organization;

(c) Any other member of the college community or organization; or

(d) Possession of such property or money after it has been stolen.

(7) **Failure to comply with directive.** Failure to comply with the direction of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons.** Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(9) **Hazing.** Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.

(10) **Alcohol, drug, and tobacco violations.**

(a) Alcohol. The use, possession, delivery, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) Marijuana. The use, possession, delivery, sale or being observably under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(c) Drugs. The use, possession, delivery, sale or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(d) Tobacco, electronic cigarettes, and related products. Smoking is prohibited on campus except in designated smoking areas. "Smoke" or "smoking" means carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment; the use of any tobacco or nicotine product; or the use of any facsimile of a tobacco or nicotine product, including electronic cigarettes. Nicotine gum, patches, or like products are permissible.

(11) **Lewd conduct.** Conduct which is lewd or obscene.

(12) **Discriminatory conduct.** Discriminatory conduct which harms or adversely affects any member of the college community because of her/his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(a) Sexual harassment. Sexual harassment is a form of discrimination consisting of unwelcome, gender-based verbal, written, electronic and/or physical conduct. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender. There are two types of sexual harassment:

(i) Hostile environment sexual harassment occurs when the conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of altering the terms or conditions of employment or substantially limiting the ability of a student to participate in or benefit from the college's educational and/or social programs.

(ii) Quid pro quo sexual harassment occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit based on sex, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members.

(b) Sexual violence. "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual conduct, domestic violence, dating violence, and stalking are all types of sexual violence.

(i) Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(ii) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breast, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(iii) Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

(iv) Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim.

Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

(v) Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

(vi) Consent means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact, actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

(A) A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

(B) Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(14) **Harassment.** The unwelcome and unauthorized patterns of conduct, based on a person(s) race, color, religious belief, sex, marital status, sexual orientation, gender identity or expression, national origin, disability, veteran status, or age, and which:

(a) The harasser either knows, or should know, will have the effect of making the college environment hostile, intimidating, or demeaning to the victim; and

(b) In fact, is sufficiently, severe, persistent or pervasive to substantially deny or limit that person's ability to benefit from or fully participate in educational programs or activities or employment opportunities.

(15) **Retaliation.** Retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations, or violations of federal, state or local law, or college policies including, but not limited to, student conduct code provision prohibiting discrimination and harassment.

(16) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operations of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or

(i) Failure to comply with the college's electronic use policy.

(17) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(18) **Safety violations.** Safety violation includes any nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

(19) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule or regulation or other college rules or policies, including college traffic and parking rules.

(20) **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.

NEW SECTION

WAC 132L-350-090 Disciplinary sanctions. (1) The board of trustees acting in accordance with Washington state statutes delegates to the president of the college authority to administer disciplinary action. In addition, the board of trustees authorizes the college administration to promulgate rules and provide for sanctions that provide a civil and nondisruptive learning environment.

(2) Administration of the disciplinary procedure is the responsibility of the student conduct officer. The student conduct officer shall serve as the principal investigator and prosecutor for alleged violations of this code.

(3) In situations of apparent misconduct or apparent unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from properly identified college personnel is a violation of this code and may result in a disciplinary action if the person is found to be a student. In emergency situations, cases of misconduct, or where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.

(4) The instructor is responsible for conduct in the classroom or any course-related activity or event and is authorized to take such steps as are necessary when behavior of the student disrupts the normal classroom procedure. Instructors

may remove a student for the single class session in which such disruptive behavior occurs. When such behavior results in expulsion from a class session, the instructor must report the infraction in writing to the student conduct officer at the earliest opportunity. The student is automatically permitted to return to the next class session pending the outcome of any investigation or disciplinary hearings by the student conduct officer. If the student repeats behavior in any class session that again disrupts the normal classroom procedure, the student may be removed again for that class session by the instructor who shall again report the infraction to the student conduct officer in writing. In all cases involving classroom disruption, the student conduct officer will proceed with the investigation and/or disciplinary hearings in the quickest possible time consistent with the procedural requirements established in this code.

(5) The person in charge of any college office, department, or facility is responsible for conduct in that office, department, or facility and is authorized to take such steps as are necessary when behavior of the student disrupts the normal office procedure. The person in charge may remove a student for the single day in which such disruptive behavior occurs. When such behavior results in expulsion from an office, department, or facility, the person in charge must report the infraction in writing to the student conduct officer at the earliest opportunity. The student is automatically permitted to return the next day pending the outcome of any investigation or disciplinary hearings by the student conduct officer. If the student repeats behavior at any time in the future that again disrupts the normal office procedure, the student may be removed again for a single day by the person in charge who shall again report the infraction to the student conduct officer in writing. In all cases involving office disruption, the student conduct officer will proceed with the investigation and/or disciplinary hearings in the quickest possible time consistent with the procedural requirements established in this code.

(6) The student has the right to appeal any disciplinary action of an instructor or college employee to the student conduct officer in accordance with the procedures set forth in this code.

(7) A student formally charged or under investigation for a violation of this code may not excuse himself or herself from disciplinary hearings by withdrawing from the college.

(8) In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

NEW SECTION

WAC 132L-350-100 Definition of disciplinary action.

In accordance with the procedures outline in this code, the following disciplinary actions may be imposed upon students found to be in violation of this code:

(1) Warning: Notice in writing that the student has violated one or more term of this code of conduct and that con-

tinuation or repetition of the same or similar may be cause for more severe disciplinary action. This sanction is not subject to appeal.

(2) Disciplinary probation: Formal action placing specific conditions upon the student's continued attendance and warning the student that further misconduct may subject the student to suspension or dismissal. Probation may be for a limited period or may be for the duration of the student's attendance at the college.

(3) Restitution: Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an initial investigation. This may take the form of appropriate service or other compensation. Failure to make restitution, or to make in writing college-approved arrangement to pay, will result in suspension for an indefinite period provided that the student may be reinstated upon payment.

(4) Change of grade: Applies only to violations regarding cheating, fabrication, facilitating academic dishonesty, multiple submission, and plagiarism. The college in accordance with the grading policy of the college assigns students grades. Instructors as part of the professional academic judgment and evaluation of the instructor ordinarily assign students grades. In the case of a finding of cheating, fabrication, facilitating academic dishonesty, or plagiarism as defined in this code, and only as a result of the official disciplinary processes as outlined in this code, the student conduct officer may authorize an instructor to change the grade, or may record a change in grade, for the academic exercise in which academic dishonesty occurred or for the entire course in which academic dishonesty occurred. This penalty may be imposed in addition to other authorized penalties as outlined in this code. Instructors may issue an "incomplete" ("I") grade pending the outcome of any investigation or disciplinary hearing by the student conduct officer related to academic dishonesty.

(5) Summary suspension: Immediate exclusion from classes and other privileges or activities in accordance with this code.

(6) Suspension: Dismissal from the college and from status as a student for a stated period of time. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate that the conditions for readmission have been met. There is to be no refund of tuition or fees for the quarter in which the action is taken, but tuition and fees paid in advance for a subsequent quarter are to be refunded. Suspension may also include withdrawal and/or limitations in one or more courses, services, or programs without revocation of student status.

(7) Deferred suspension: Notice of suspension from the college with the provision that the student may remain enrolled contingent on meeting any conditions(s) specified. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(8) Dismissal: The surrender of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities with-

out any possibility of return. There is to be no refund of tuition or fees for the quarter in which the action is taken, but tuition and fees paid in advance for a subsequent quarter are to be refunded.

(9) Forfeiture of state-funded financial aid: Applies only to violations regarding hazing. The forfeiture of any entitlement to state-funded grants, scholarships, or awards for a specified period.

(10) Withdrawal of official recognition: Any student organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by Centralia College. In addition, any organization, association, or student living group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or living group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages. Withdrawal of official recognition may also be applied to any organization, association, or living group for other violations of Centralia College policies, rules, or regulations concerning such organizations.

(11) Disqualification from athletics: Any student found by the college to have violated this code related to the use, possession, sale, or delivery of controlled substances is subject to additional sanctions, including disqualification from college-sponsored athletic events.

(12) College or community service: Assignment of labor or responsibilities to any student or student organization with the college or local community. May also include mandatory attendance at educational programs or courses or other assignments.

(13) Fines: Monetary fines up to five thousand dollars for any student organization or up to five hundred dollars for any student. Restitution may be added as an additional monetary sanction.

(14) Protective or no-contact order: Prohibition of direct or indirect physical and/or verbal contact with another individual or group. Any form of communication may be limited. Restrictions on locations or specified minimum distances may be imposed. Other reasonable restrictions to protect the safety and welfare of others may also be imposed. An immediate, protective or no-contact order may also be issued by the student conduct officer or his or her representative prior to any disciplinary hearing upon the sworn or affirmed written and signed testimony of any complainant that the complainant is in reasonable fear of intimidation, harassment, physical or emotional abuse, or harm, provided that the subject of such order is duly notified in writing either in person or by first class mail and is provided the opportunity to appeal such an order at an initial disciplinary hearing within seven days after notification to the student conduct officer in writing of intent to appeal. An appeal may be combined with the normal disciplinary action of an initial disciplinary hearing if charges have also been filed.

(15) Professional evaluation: Referral for drug, alcohol, psychiatric, psychological, or medical evaluation may be required. Recommendations as part of any such evaluation may become part of any sanction. If the evaluation indicates

that the student is not capable of functioning within the college community, the student will remain suspended until and unless future evaluation recommends that the student is capable of reentering the college. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student shall pay for the cost of the evaluation. The college reserves the right to send a student to a professional of its own choosing at cost to the college.

(16) Hold on awarding of degree or issuance of official transcript: In the event that the conditions of other sanctions such as, but not limited to, fines, restitution, and community service, are not fulfilled, the college may place a hold on the issuance of a degree or certificate and may place a hold on the issuance of an official transcript. In addition, the college may prevent further registration. These holds will be lifted upon fulfillment of the terms and conditions of the imposed sanction.

NEW SECTION

WAC 132L-350-110 Initiation of disciplinary action.

(1) All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice, the student conduct officer may take disciplinary action based upon the available information.

(3) Within ten days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

(4) The student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the respondent and terminate the proceedings.

(b) Impose a disciplinary sanction(s), as described in WAC 132L-350-090.

(c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

NEW SECTION

WAC 132L-350-120 Appeal from disciplinary action. (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by the preponderance of the evidence.

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(7) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.

(8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspension of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.

NEW SECTION

WAC 132L-350-130 Brief adjudicative proceedings—Initial hearing. (1) Brief adjudicative proceedings shall be conducted by a conduct review officer. The conduct review officer shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party (a) an opportunity to be informed of the agency's view of the matter and (b) an opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon both the parties within ten days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information

about how to seek administrative review of the initial decision. If no request for review is filed within twenty-one days of service the initial decision shall be deemed the final decision.

(4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 132L-350-140 Brief adjudicative proceedings—Review of an initial decision. (1) An initial decision is subject to review by the president, provided the respondent files a written request for review with the conduct review officer within twenty-one days of service of the initial decision.

(2) The president shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within twenty days after the request is submitted.

(5) If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

NEW SECTION

WAC 132L-350-150 Student conduct committee. (1) The student conduct committee shall consist of five members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members appointed by the president; and

(c) One faculty member or administrator (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.

(2) The faculty member or administrator appointed on a yearly basis shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on pro-

tecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

NEW SECTION

WAC 132L-350-160 Procedure and evidence for hearings. Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model rules of procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(1) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair may shorten this notice period if both parties agree and also may continue the hearing to a later time for good cause shown.

(2) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decision concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(3) Upon request filed at least five days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(4) The committee chair may provide to the committee members in advance of the hearing copies of (a) the conduct officer's notification of imposition of discipline (or referral to the committee) and (b) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(5) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(6) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(7) Communications between committee members and other hearing participants regarding any issue in the proceed-

ings, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(8) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. A respondent may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by the assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

NEW SECTION

WAC 132L-350-170 Student conduct committee hearing proceedings. Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either (a) proceed with the hearing and issuance of its decision or (b) serve a decision of default in accordance with RCW 34.05.440.

(1) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(2) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(3) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(4) The student conduct officer (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.

(5) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

NEW SECTION

WAC 132L-350-180 Student conduct committee—Initial decision. (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within twenty days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accor-

dance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions (if any) as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.

NEW SECTION

WAC 132L-350-190 Appeal from student conduct committee initial decision. (1) A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. If necessary to aid review, the president may ask for additional briefing from the parties on issues raised on appeal. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president shall provide a written decision to all parties within forty-five days after receipt of notice of appeal. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

(4) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

NEW SECTION

WAC 132L-350-200 Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible while an investigation and/or formal disciplinary procedure are pending.

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety or welfare of members of the college community; or

(c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral and written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

(a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5)(a) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.

(b) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(c) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(d) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(e) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right appeal.

(f) To the extent permissible under applicable law, the conduct review officer shall provide a copy of decision to all persons or offices who may be bound or protected by it.

NEW SECTION

WAC 132L-350-210 Readmission after dismissal. A student dismissed from the college may be readmitted only on written petition to the president. Petitions must indicate reasons that support reconsideration. The president may use whatever review procedures are at the president's disposal in consideration of readmission. The president shall convey a decision in writing to the student within thirty days after completion of the review process.

NEW SECTION

WAC 132L-350-220 Brief adjudicative proceedings—Authorized. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

- (1) Parking violations.¹
- (2) Outstanding debts owed by students or employees.
- (3) Use of college facilities.
- (4) Residency determinations.
- (5) Use of library—Fines.
- (6) Challenges to contents of education records.
- (7) Loss of eligibility for participation in institution sponsored athletic events.
- (8) Student conduct appeals involving the following disciplinary actions:
 - (a) Suspensions of ten instructional days or less;
 - (b) Disciplinary probation;
 - (c) Written reprimands;
 - (d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions; and
 - (e) Appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
 - (i) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
 - (ii) Issues a verbal warning to respondent.
- (9) Appeals of decisions regarding mandatory tuition and fee waivers.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

¹ Subsections (1)-(7) and (9) are the types of issues that colleges typically use a brief adjudicative proceeding to resolve and are included here merely for illustrative purposes.

NEW SECTION

WAC 132L-350-230 Brief adjudicative proceedings—Agency record. The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

NEW SECTION

WAC 132L-350-240 Review of rules. These rules will be reviewed annually by the student conduct officer. The student conduct officer, upon determining a need to revise this code, shall convene a review committee to make recommendations for change in the code.

NEW SECTION

WAC 132L-350-250 Supplemental discipline procedures for sexual misconduct cases. Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 132L-350-010 through 132L-350-210. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

NEW SECTION

WAC 132L-350-260 Supplemental complaint process for sexual misconduct. The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

(1) The college's Title IX coordinator or designee, shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(2) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(3) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(4) The student conduct officer, within a reasonable amount of time after the disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant

to ensure that prompt notice of the protective disciplinary sanctions and/or conditions.

NEW SECTION

WAC 132L-350-270 Supplemental appeal rights for sexual misconduct cases. (1) The following actions by the student conduct officer may be appealed by the complainant:

(a) The dismissal of a sexual misconduct complaint; or
 (b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty-one days of service of the notice of the discipline decision provided for in WAC 132L-350-120. The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

(4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:

(a) Exoneration and dismissal of the proceedings;
 (b) A disciplinary warning;
 (c) A written reprimand;
 (d) Disciplinary probation;
 (e) Suspensions of ten instructional days or less; and/or
 (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or an expulsion shall be reviewed by the student conduct committee.

(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.

(9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public, unless respon-

dent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights.

(11) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

(12) The president, within a reasonable amount of time after final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

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.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132L-120-010 Preamble.
 WAC 132L-120-015 Purpose.
 WAC 132L-120-020 Definitions.
 WAC 132L-120-030 Jurisdiction.
 WAC 132L-120-040 General policies.
 WAC 132L-120-070 Student rights and freedoms.
 WAC 132L-120-080 Student responsibilities.
 WAC 132L-120-090 Authority and responsibility for discipline.
 WAC 132L-120-100 Definition of disciplinary action.
 WAC 132L-120-110 Summary suspension.
 WAC 132L-120-120 Initial disciplinary hearing.
 WAC 132L-120-130 Judicial board.
 WAC 132L-120-140 Appeals of disciplinary action.
 WAC 132L-120-150 Hearing procedures before the judicial board.
 WAC 132L-120-160 Evidence admissible in hearings.
 WAC 132L-120-170 Decision by the judicial board.
 WAC 132L-120-180 Appeal to the president.

WAC 132L-120-190 Readmission after dismissal.
 WAC 132L-120-200 Review of rules.
 WAC 132L-120-210 Membership of review committee.
 WAC 132L-120-220 Function of the review committee.

WSR 15-15-015
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed July 6, 2015, 11:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 13-08-050.

Title of Rule and Other Identifying Information: Uniform Commercial Code (UCC), WAC 308-391-101(1) Methods to deliver UCC records—Time of filing, 308-391-202 Grounds for refusal, and 308-391-203 Procedure upon refusal.

Hearing Location(s): Department of Licensing (DOL), Business and Professions Division, 405 Black Lake Boulevard S.W., Building 2, 1st Floor, Room 2105, Olympia, WA 98502, on August 25, 2015, at 10:00 a.m.

Date of Intended Adoption: August 26, 2015.

Submit Written Comments to: Jessica Parraz, P.O. Box 9660, Olympia, WA 98507-9660, e-mail UCC@dol.wa.gov, fax (360) 570-7052, by August 24, 2015.

Assistance for Persons with Disabilities: Contact Jessica Parraz by August 24, 2015, TTY (360) 664-0116 or (360) 664-1530.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 308-391-101(1), eliminate counter hours from this rule, and post hours on the internet in lieu of WAC 308-391-202 and 308-391-203.

The UCC program currently has about eighteen thousand fraudulent filings in the UCC database, with about four thousand added each year. Fraudulent filings are used to harass or defraud others, and can affect victim's ability to get credit. These records are nonconsensual common law liens, which are stated in RCW 60.70.030. DOL has the duty to establish criteria via the rule-making process to reject and remove these lien filings. The proposed rule amendment is supported by industry and meets exemption criteria outlines [outlined] in Executive Order 10-06.

Statutory Authority for Adoption: RCW 62A.9A-526.

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, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Kim Summers, Olympia, (360) 334-1530.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required pursuant to RCW 19.85.025(3) and 34.05.310 (4)(b).

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to this proposed rule under the provisions or [of] RCW 34.05.328 (5)(a)(i).

July 6, 2015
 Damon Monroe
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 09-12-067, filed 5/29/09, effective 6/29/09)

WAC 308-391-101 Methods to deliver UCC records—Time of filing. UCC records may be tendered for filing at the filing office as follows:

(1) Personal delivery at the filing office's street address. Delivery is accepted (~~between 8:00 a.m. and 5:00 p.m.~~) Monday through Friday except state holidays. Hours are posted on the filing office's web site on the internet. The file time for a UCC record delivered by this method is when the UCC record is first examined by a filing officer for processing, even though the UCC record may not yet have been accepted for filing and subsequently may be rejected.

(2) Courier delivery at the filing office's street address. Delivery by courier is considered personal delivery under subsection (1) of this section and the same rules apply.

(3) Postal service delivery to the filing office's mailing address. The file time for a UCC record delivered by this method is when the UCC record is first examined by a filing officer for processing, even though the UCC record may not yet have been accepted for filing and subsequently may be rejected.

(4) Electronic mail and telefacsimile delivery are not accepted.

(5) Electronic filing. UCC records may be transmitted electronically using the XML format prescribed by the filing office. The time of filing of a UCC record delivered by this method is the time the filing office's information management system determines that all the required elements of the transmission have been received in the required format.

(6) Direct web page data entry. UCC records may be delivered by online data entry using the filing office's web site on the internet. The file time for a UCC record delivered by this method is the time the entry of all required elements of the UCC record in the proper format is acknowledged by the online entry system.

(7) Means of communication. Regardless of the method of delivery, information in UCC records communicated to the filing office must be machine readable and only in the form of characters included in the American National Standards Institute (ANSI) character set 0-255. Handwriting is not an acceptable means of completing any UCC form.

(8) Transmitting utility. The only means to indicate to the filing office that an initial financing statement is being filed against a debtor that is a transmitting utility, in order to affect the filing office's determination of lapse date, is to check the appropriate box on a UCC1 (~~the initial financing statement~~) or by transmitting the information in the proper field in an electronic filing of the initial financing statement.

AMENDATORY SECTION (Amending WSR 09-12-067, filed 5/29/09, effective 6/29/09)

WAC 308-391-202 Grounds for refusal. In determining under RCW 62A.9A-516 whether or not there is one or more grounds to refuse a UCC record, the filing office will refuse a record for any of the following reasons:

(1) The financing statement does not provide an address that meets the minimum requirements for an address as set forth in these filing office rules.

(2) The information on the financing statement form is not machine-printed. However, attachments to the form may be handwritten.

(3) The financing statement form contains illegible information. Labels and imprints from ink stamps are considered illegible.

(4) ~~The ((named debtor(s) is a public official)) record is a nonconsensual common law lien,~~ as provided in RCW 60.70.030.

(5) The record is outside the scope of UCC as provided in RCW 62A.9A-109.

(6) The debtor does not meet the definition of a transmitting utility as provided in RCW 62A.9A-102(80).

(7) The filer is not entitled to file under RCW 62A.9A-509.

AMENDATORY SECTION (Amending WSR 09-12-067, filed 5/29/09, effective 6/29/09)

WAC 308-391-203 Procedure upon refusal. (1) If the filing office finds grounds to refuse a UCC record, the filing office communicates the reason(s) for the refusal and other related information to the name and address provided in box ((B)) C on the financing statement. The refusal notice will be communicated within two business days after the refused UCC record was received by the filing office, by mail or more expeditious means as the filing office shall determine. Records of refusal, including a copy of the refused UCC record and the ground(s) for refusal, are maintained until the first anniversary of the lapse date that applies or would have applied to the related financing statement, assuming that the refused record had been accepted and filed.

(2) If the filing office finds grounds to remove a UCC record, the filing office communicates the reason(s) for the removal and other related information to the name and address provided in box C on the financing statement. We will also send notification to the debtor(s) named on the financing statement and all bulk data purchasers.

WSR 15-15-021
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF TRANSPORTATION

(By the Code Reviser's Office)

[Filed July 7, 2015, 9:09 a.m.]

WAC 468-38-100 and 468-38-155, proposed by the department of transportation in WSR 15-01-022, appearing in issue 15-01 of the Washington State Register, which was distributed on January 7, 2015, is withdrawn by the office of the

code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 15-15-022
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
ENTERPRISE SERVICES

(By the Code Reviser's Office)

[Filed July 7, 2015, 9:10 a.m.]

WAC 200-370-010, 200-370-015, 200-370-020 and 200-370-025, proposed by the department of enterprise services in WSR 15-01-088, appearing in issue 15-01 of the Washington State Register, which was distributed on January 7, 2015, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 15-15-023
WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD

(By the Code Reviser's Office)

[Filed July 7, 2015, 9:11 a.m.]

WAC 314-23-060, 314-23-065, 314-23-070, 314-23-075, 314-23-080 and 314-23-085, proposed by the liquor control board in WSR 15-01-093, appearing in issue 15-01 of the Washington State Register, which was distributed on January 7, 2015, is withdrawn by the office of the code reviser under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
 Washington State Register

WSR 15-15-038
PROPOSED RULES
DEPARTMENT OF
FINANCIAL INSTITUTIONS

(Securities Division)

[Filed July 8, 2015, 11:14 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-08-059.

Title of Rule and Other Identifying Information: The securities division is proposing rules to preserve filing requirements in connection with offerings of securities made

under Tier 2 of the Securities and Exchange Commission's newly adopted rules for Regulation A offerings. The proposed rules would be codified at WAC 460-18A-200.

Hearing Location(s): Department of Financial Institutions (DFI), 150 Israel Road S.W., Tumwater, WA 98501, on September 9, 2015, at 10:00 a.m.

Date of Intended Adoption: September 10, 2015.

Submit Written Comments to: Faith L. Anderson, Chief of Registration and Regulatory Affairs, Securities Division, Department of Financial Institutions, P.O. Box 9033, Olympia, WA 98507-9033, e-mail faith.anderson@dfi.wa.gov, fax (360) 704-6480, by September 9, 2015.

Assistance for Persons with Disabilities: Contact Carolyn Hawkey by September 2, 2015, TTY (360) 664-8126 or (360) 902-8760.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: On March 25, 2015, the Securities and Exchange Commission adopted final rules providing for a federal exemption from registration for offerings of securities of up to \$50 million as authorized by the JOBS Act of 2012. *See* Amendments to Regulation A, Securities Act Release Nos. 33-9741, 34-74578, 39-2501, available at <http://www.sec.gov/rules/final/2015/33-9741.pdf>. These rules adopted a definition of "qualified purchaser" pursuant to Sec. 18 (b)(3) of the Securities Act of 1933 that extends to "any person to whom securities are offered or sold" in offerings of up to \$50 million in a Tier 2 offering under federal Regulation A. While the effect of defining a "qualified purchaser" in this manner is to preempt the states from requiring registration of these smaller and less regulated offerings, states retain the authority to require the filing of offering materials, a consent to service of process, and fees that would otherwise be required in the absence of preemption. The securities division is now proposing rules to require the filing of a notice filing form, a consent to service of process, and the fees that would otherwise be required in connection with the registration of these securities offerings but for preemption by the Securities and Exchange Commission. The proposed notice filing form is available on the division's web site at <http://www.dfi.wa.gov/rulemaking/tier-2-offerings-under-regulation>.

Statutory Authority for Adoption: RCW 21.20.327, 21.20.340, 21.20.450.

Statute Being Implemented: Chapter 21.20 RCW.

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

Name of Proponent: DFI, securities division, governmental.

Name of Agency Personnel Responsible for Drafting: Faith L. Anderson, Esq., 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8760; Implementation: Scott Jarvis, Director, DFI, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8760; and Enforcement: William Beatty, Director, Securities, 150 Israel Road S.W., Tumwater, WA 98501, (360) 902-8760.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement is not required under RCW 19.85.025(3) as the proposed rules would adopt, amend, or

repeal a filing or related process requirement for applying to an agency for a license or permit.

A cost-benefit analysis is not required under RCW 34.05.328. DFI is not one of the agencies listed in RCW 34.05.328.

July 8, 2015

Scott Jarvis
Director

NEW SECTION

WAC 460-18A-200 Filing requirements—Regulation A Tier 2 offerings. The following provisions apply to offerings made under Tier 2 of federal Regulation A:

(1) Initial filing. An issuer planning to offer and sell securities in this state in an offering exempt under Tier 2 of federal Regulation A shall submit the following prior to the initial offer in this state:

(a) A completed Regulation A - Tier 2 Offering Notice Filing Form or other document identifying the filing;

(b) A consent to service of process on Form U-2 if not provided in the Regulation A - Tier 2 Offering Notice Filing Form; and

(c) The filing fee prescribed by RCW 21.20.340 (3)(a). The initial notice filing is effective for twelve months.

(2) Renewal. For each additional twelve-month period in which the same offering is continued, an issuer conducting a Tier 2 offering under federal Regulation A may renew the unsold portion of its notice filing by filing the following on or before the expiration of the notice filing:

(a) The Regulation A - Tier 2 Offering Notice Filing Form marked "renewal" and/or a cover letter or other document requesting renewal;

(b) The renewal fee prescribed by RCW 21.20.340 (3)(a) to renew the unsold portion of securities for which a filing fee has previously been paid; and

(c) If the amount of securities subject to the notice filing is being increased, the fee prescribed by RCW 21.20.340 (3)(a) to cover the increase in the amount of securities to be offered.

(3) Amendment. An issuer may increase the amount of securities offered in this state by submitting a Regulation A - Tier 2 Offering Notice Filing Form or other document describing the transaction and a fee calculated pursuant to RCW 21.20.340 (3)(a) to cover the increase in the amount of securities being offered.

WSR 15-15-042
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed July 8, 2015, 12:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-16-096.

Title of Rule and Other Identifying Information: WAC 246-16-100 Sexual misconduct, the department of health (department) is proposing rule modification to sexual mis-

conduct standards to clarify what forcible or nonconsensual acts are within the definition of sexual misconduct by a health care provider.

Hearing Location(s): Department of Health, Town Center 2, Conference Room 153, 111 Israel Road S.E., Tumwater, WA 98501, on August 25, 2015, at 10:30 a.m.

Date of Intended Adoption: August 27, 2015.

Submit Written Comments to: Maura Craig, P.O. Box 47850, Olympia, WA 98504-7850, e-mail <http://www3.doh.wa.gov/policyreview/>, fax (360) 236-4626, by August 25, 2015.

Assistance for Persons with Disabilities: Contact Maura Craig at (360) 236-4997 by August 21, 2015, TTY (800) 833-6388 or 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule clarifies and updates the sexual misconduct rule to establish clearer standards of conduct for health care providers in professions under the secretary of health's authority per RCW 18.130.040 (2)(a). Clarification of sexual misconduct standards will help health care providers understand what constitutes sexual misconduct, which includes sexual contact with any person including people who are not patients, clients, or key parties that involves force, intimidation, lack of consent, or a conviction of a sex offense listed in RCW 9.94A.030.

Reasons Supporting Proposal: The department's experience with investigating and enforcing the current rule has raised the need to clarify what acts constitute sexual misconduct by health care providers. The proposal will establish clearer standards of conduct for providers and will help the department be consistent in its enforcement activities to more fully comply with RCW 18.130.062 and Executive Order 06-03.

Statutory Authority for Adoption: RCW 18.130.050, 18.130.062, Executive Order 06-03.

Statute Being Implemented: RCW 18.130.050, 18.130.-062, Executive Order 06-03.

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

Name of Proponent: Washington state department of health, governmental.

Name of Agency Personnel Responsible for Drafting: Maura Craig, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4997; Implementation: Martin Mueller, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4600; and Enforcement: Marc Defreyn, 111 Israel Road S.E., Tumwater, WA 98501, (360) 236-4913.

No small business economic impact statement has been prepared under chapter 19.85 RCW. Under RCW 19.85.025 and 34.05.310 (4)(d), a small business economic impact statement is not required for proposed rules that only clarify the language of a rule without changing its effect.

A cost-benefit analysis is not required under RCW 34.05.328. The agency did not complete a cost-benefit analysis under RCW 34.05.328 (5)(b)(iv). Rule making that only clarifies language of a rule without changing its effect does not require a cost-benefit analysis.

July 8, 2015

John Wiesman, DrPH, MPH
Secretary

AMENDATORY SECTION (Amending WSR 06-18-045, filed 8/30/06, effective 9/30/06)

WAC 246-16-100 Sexual misconduct. (1) A health care provider shall not engage, or attempt to engage, in sexual misconduct with a current patient, client, or key party, inside or outside the health care setting. Sexual misconduct shall constitute grounds for disciplinary action. Sexual misconduct includes but is not limited to:

- (a) Sexual intercourse;
 - (b) Touching the breasts, genitals, anus or any sexualized body part except as consistent with accepted community standards of practice for examination, diagnosis and treatment and within the health care practitioner's scope of practice;
 - (c) Rubbing against a patient or client or key party for sexual gratification;
 - (d) Kissing;
 - (e) Hugging, touching, fondling or caressing of a romantic or sexual nature;
 - (f) Examination of or touching genitals without using gloves;
 - (g) Not allowing a patient or client privacy to dress or undress except as may be necessary in emergencies or custodial situations;
 - (h) Not providing the patient or client a gown or draping except as may be necessary in emergencies;
 - (i) Dressing or undressing in the presence of the patient, client or key party;
 - (j) Removing patient or client's clothing or gown or draping without consent, emergent medical necessity or being in a custodial setting;
 - (k) Encouraging masturbation or other sex act in the presence of the health care provider;
 - (l) Masturbation or other sex act by the health care provider in the presence of the patient, client or key party;
 - (m) Suggesting or discussing the possibility of a dating, sexual or romantic relationship after the professional relationship ends;
 - (n) Terminating a professional relationship for the purpose of dating or pursuing a romantic or sexual relationship;
 - (o) Soliciting a date with a patient, client or key party;
 - (p) Discussing the sexual history, preferences or fantasies of the health care provider;
 - (q) Any behavior, gestures, or expressions that may reasonably be interpreted as seductive or sexual;
 - (r) Making statements regarding the patient, client or key party's body, appearance, sexual history, or sexual orientation other than for legitimate health care purposes;
 - (s) Sexually demeaning behavior including any verbal or physical contact which may reasonably be interpreted as demeaning, humiliating, embarrassing, threatening or harming a patient, client or key party;
 - (t) Photographing or filming the body or any body part or pose of a patient, client, or key party, other than for legitimate health care purposes; and
 - (u) Showing a patient, client or key party sexually explicit photographs, other than for legitimate health care purposes.
- (2) Sexual misconduct also includes sexual contact with any person involving force, intimidation, or lack of consent:

or a conviction of a sex offense as defined in RCW 9.94A.030.

~~(3)~~ (3) A health care provider shall not:

(a) Offer to provide health care services in exchange for sexual favors;

(b) Use health care information to contact the patient, client or key party for the purpose of engaging in sexual misconduct;

(c) Use health care information or access to health care information to meet or attempt to meet the health care provider's sexual needs.

~~((3))~~ (4) A health care provider shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section with a former patient, client or key party within two years after the provider-patient/client relationship ends.

~~((4))~~ (5) After the two-year period of time described in subsection ~~((3))~~ (4) of this section, a health care provider shall not engage, or attempt to engage, in the activities listed in subsection (1) of this section if:

(a) There is a significant likelihood that the patient, client or key party will seek or require additional services from the health care provider; or

(b) There is an imbalance of power, influence, opportunity and/or special knowledge of the professional relationship.

~~((5))~~ (6) When evaluating whether a health care provider is prohibited from engaging, or attempting to engage, in sexual misconduct, the secretary will consider factors, including but not limited to:

(a) Documentation of a formal termination and the circumstances of termination of the provider-patient relationship;

(b) Transfer of care to another health care provider;

(c) Duration of the provider-patient relationship;

(d) Amount of time that has passed since the last health care services to the patient or client;

(e) Communication between the health care provider and the patient or client between the last health care services rendered and commencement of the personal relationship;

(f) Extent to which the patient's or client's personal or private information was shared with the health care provider;

(g) Nature of the patient or client's health condition during and since the professional relationship;

(h) The patient or client's emotional dependence and vulnerability; and

(i) Normal revisit cycle for the profession and service.

~~((6))~~ (7) Patient, client or key party initiation or consent does not excuse or negate the health care provider's responsibility.

~~((7))~~ (8) These rules do not prohibit:

(a) Providing health care services in case of emergency where the services cannot or will not be provided by another health care provider;

(b) Contact that is necessary for a legitimate health care purpose and that meets the standard of care appropriate to that profession; or

(c) Providing health care services for a legitimate health care purpose to a person who is in a preexisting, established personal relationship with the health care provider where

there is no evidence of, or potential for, exploiting the patient or client.

WSR 15-15-090

PROPOSED RULES

HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed July 15, 2015, 8:43 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: WAC 182-550-1000, 182-550-1100, 182-550-1300, 182-550-1350, 182-550-1400, 182-550-1500, 182-550-1600, 182-550-1900, 182-550-2100, 182-550-2200, 182-550-2301, 182-550-2400, 182-550-2431, 182-550-2500, 182-550-2501, 182-550-2531, 182-550-2541, 182-550-2561, 182-550-2565, 182-550-2575, 182-550-2580, 182-550-2585, 182-550-2590, 182-550-2595, 182-550-2596, 182-550-2598, 182-550-2600, 182-550-3470, 182-550-4200, 182-550-4550, 182-550-4690, 182-550-4700, 182-550-4925, 182-550-4935, 182-550-5000, 182-550-5130, 182-550-5200, 182-550-5210, 182-550-5220, 182-550-5410, 182-550-5425, 182-550-5500, 182-550-5550, 182-550-5600, 182-550-5700, 182-550-5800, 182-550-6000, 182-550-6100, 182-550-6150, 182-550-6200, 182-550-6250, 182-550-6300, 182-550-6400, 182-550-6450, 182-550-6500 and 182-550-6600, hospital services.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_to_csp.pdf or directions can be obtained by calling (360) 725-1000), on August 25, 2015, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 26, 2015.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 on August 25, 2015.

Assistance for Persons with Disabilities: Contact Kelly Richters by August 18, 2015, TTY (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These are house-keeping rule changes to correct agency names, program names, rule numbers, and to make other clarifications that do not change the effect of the rules.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Sean Sullivan, P.O. Box 42716, Olympia, WA 98504-2716,

(360) 725-1344; Implementation and Enforcement: Lisa Humphrey, (360) 725-1617 or Nancy Hite, (360) 725-1611, P.O. Box 45502, Olympia, WA 98504-5502.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The proposed filing is exempt from the small business economic impact statement requirement under chapter 19.85 RCW.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

July 14, 2015
Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1000 Applicability. The ~~((department))~~ medicaid agency pays for hospital services provided to eligible clients when:

- (1) The eligible client is a patient in an acute care hospital and the hospital meets the definition of hospital or psychiatric hospital in RCW 70.41.020, ~~((WAC 388-500-0005 or 388-550-1050))~~ chapter 182-500 or WAC 182-550-1050;
- (2) The services are medically necessary as defined under WAC ~~((388-500-0005))~~ 182-500-0070; and
- (3) The conditions, exceptions and limitations in this chapter are met.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1100 Hospital care—General. (1) The ~~((department))~~ medicaid agency:

- (a) Pays for the admission of an eligible ~~((medical assistance))~~ Washington apple health (WAH) client to a hospital only when the client's attending physician orders admission and when the admission and treatment provided:
 - (i) Are covered according to WAC ~~((388-501-0050, 388-501-0060 and 388-501-0065))~~ 182-501-0050, 182-501-0060 and 182-501-0065;
 - (ii) Are medically necessary as defined in WAC ~~((388-500-0005))~~ 182-500-0070;
 - (iii) Are determined according to WAC ~~((388-501-0165))~~ 182-501-0165 when prior authorization is required;
 - (iv) Are authorized when required under this chapter; and
 - (v) Meet applicable state and federal requirements.
- (b) For hospital admissions, defines "attending physician" as the client's primary care provider, or the primary provider of care to the client at the time of admission.
- (2) Medical record documentation of hospital services must meet the requirements in WAC ~~((388-502-0020))~~ 182-502-0020.
- (3) The ~~((department))~~ agency:
 - (a) Pays for a hospital covered service provided to an eligible ~~((medical assistance))~~ WAH client enrolled in ~~((department))~~ an agency-contracted managed care organization (MCO) plan, under the fee-for-service program if the

service is excluded from the MCO's capitation contract with the ~~((department))~~ agency and meets prior authorization requirements. (See WAC ~~((388-550-2600))~~ 182-550-2600 for inpatient psychiatric services.)

(b) Does not pay for nonemergency services provided to a ~~((medical assistance))~~ WAH client from a nonparticipating hospital in a selective contracting area (SCA) unless exclusions in WAC ~~((388-550-4600 and 388-550-4700))~~ 182-550-4700 apply. The ~~((department's))~~ agency's selective contracting program and selective contracting payment limitations end for hospital claims with dates of admission before July 1, 2007.

(4) The ~~((department))~~ agency pays up to twenty-six days of inpatient hospital care for hospital-based detoxification, medical stabilization, and drug treatment for chemical dependent pregnant clients eligible under the chemical-using pregnant (CUP) women program.

See WAC ~~((388-533-0701 through 388-533-0730))~~ 182-533-0701 through 182-533-0730.

(5) The ~~((department))~~ agency pays for inpatient hospital detoxification of acute alcohol or other drug intoxication when the services are provided to an eligible client:

(a) In a detoxification unit in a hospital that has a detoxification provider agreement with the ~~((department))~~ agency to perform these services and the services are approved by the division of alcohol and substance abuse (DASA); or

(b) In an acute hospital and all ~~((of))~~ the following criteria are met:

(i) The hospital does not have a detoxification specific provider agreement with DASA;

(ii) The hospital provides the care in a medical unit;

(iii) Nonhospital based detoxification is not medically appropriate for the client;

(iv) The client does not require medically necessary inpatient psychiatric care and it is determined that an approval from a regional support network (RSN) or a mental health division (MHD) designee as an inpatient stay is not indicated;

(v) The client's stay qualifies as an inpatient stay;

(vi) The client is not participating in the ~~((department's))~~ agency's chemical-using pregnant (CUP) women program; and

(vii) The client's principal diagnosis meets the ~~((department's))~~ agency's medical inpatient detoxification criteria listed in the ~~((department's))~~ agency's published billing instructions.

(6) The ~~((department))~~ agency covers medically necessary dental-related services provided to an eligible client in a hospital-based dental clinic when the services:

(a) Are provided ~~((in accordance with chapter 388-535))~~ under chapter 182-535 WAC; and

(b) Are billed on the American Dental Association (ADA) or health care financing administration (HCFA) claim form.

(7) The ~~((department))~~ agency pays a hospital for covered dental-related services, including oral and maxillofacial surgeries, that are provided in the hospital's operating room, when:

(a) The covered dental-related services are medically necessary and provided ~~((in accordance with chapter 388-535))~~ under chapter 182-535 WAC;

(b) The covered dental-related services are billed on a UB claim form; and

(c) At least ~~((on))~~ one of the following is true:

(i) The dental-related service(s) is provided to an eligible ~~((medical assistance))~~ WAH client on an emergency basis;

(ii) The client is eligible under the division of developmental disability program;

(iii) The client is age eight or younger; or

(iv) The dental service is prior authorized by the ~~((department))~~ agency.

(8) For inpatient voluntary or involuntary psychiatric admissions, see WAC ~~((388-550-2600))~~ 182-550-2600.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1300 Revenue code categories and subcategories. (1) Revenue code categories and subcategories listed in this chapter are published in the UB-92 ~~((and/))~~ or UB-04 National Uniform Billing Data Element Specifications Manual.

(2) The ~~((department))~~ medicaid agency requires a hospital provider to report and bill all hospital services provided to ~~((medical assistance))~~ Washington apple health clients using the appropriate revenue codes published in the manual referenced in subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1350 Revenue code categories and subcategories—CPT and HCPCS reporting requirements for outpatient hospitals. (1) The ~~((department))~~ medicaid agency requires an outpatient hospital provider to report the appropriate current procedural terminology (CPT) or health care common procedure coding system (HCPCS) codes in addition to the required revenue codes on an outpatient claim line when using any of the following revenue code categories and subcategories:

(a) "IV therapy," only subcategories "general classification" and "infusion pump";

(b) "Medical/surgical supplies and devices," only subcategory "other supplies/devices";

(c) "Oncology";

(d) "Laboratory";

(e) "Laboratory pathological";

(f) "Radiology - Diagnostic";

(g) "Radiology - Therapeutic and/or chemotherapy administration";

(h) "Nuclear medicine";

(i) "CT scan";

(j) "Operating room services," only subcategories "general classification" and "minor surgery";

(k) "Blood and blood components";

(l) "Administration, processing, and storage for blood components";

(m) "Other imaging services";

(n) "Respiratory services";

(o) "Physical therapy";

(p) "Occupational therapy";

(q) "Speech therapy - Language pathology";

(r) "Emergency room," only subcategories "general classification" and "urgent care";

(s) "Pulmonary function";

(t) "Audiology";

(u) "Cardiology";

(v) "Ambulatory surgical care";

(w) "Clinic," only subcategories "general classification" and "other clinic";

(x) "Magnetic resonance technology (MRT)";

(y) "Medical/surgical supplies - Extension," only subcategory "surgical dressings";

(z) "Pharmacy - Extension" subcategories "Erythropoietin (EPO) less than ten thousand units," "Erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";

(aa) "Labor room/delivery," only subcategories "general classification," "labor," "delivery," and "birthing center";

(bb) "EKG/ECG (electrocardiogram)";

(cc) "EEG (electroencephalogram)";

(dd) "Gastro-intestinal services";

(ee) "Specialty room - Treatment/observation room," subcategory "treatment room and observation room";

(ff) "Telemedicine," only subcategory "other telemedicine";

(gg) "Extra-corporeal shock wave therapy (formerly lithotripsy)";

(hh) "Acquisition of body components," only subcategories "general classification" and "cadaver donor";

(ii) "Hemodialysis - Outpatient or home," only subcategory "general classification";

(jj) "Peritoneal dialysis - Outpatient or home," only subcategory "general classification";

(kk) "Continuous ambulatory peritoneal dialysis (CAPD) - Outpatient or home," only subcategory "general classification";

(ll) "Continuous cycling peritoneal dialysis (CCPD) - Outpatient or home," only subcategory "general classification";

(mm) "Miscellaneous dialysis," only subcategories "general classification" and "ultrafiltration";

(nn) "Behavioral health treatments/services," only subcategory "electroshock therapy";

(oo) "Other diagnostic services";

(pp) "Other therapeutic services," only subcategories "general classification," "cardiac rehabilitation," and "other therapeutic service"; and

(qq) Other revenue code categories and subcategories identified and published by the ~~((department))~~ agency.

(2) For an outpatient claim line requiring a CPT or HCPCS code ~~((+))~~, the ~~((department))~~ agency denies payment if the required code is not reported on the line.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1400 Covered and noncovered revenue codes categories and subcategories for inpatient hos-

pital services. Subject to the limitations and restrictions listed, this section identifies covered and noncovered revenue code categories and subcategories for inpatient hospital services.

(1) The ~~((department))~~ medicaid agency pays for an inpatient hospital covered service in the following revenue code categories and subcategories when the hospital provider accurately bills:

(a) "Room & board - Private (one bed)," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(b) "Room & board - Semi-private (two bed)," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(c) "Room & board - Semi-private - (three and four beds)," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(d) "Room & board - Deluxe private," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(e) "Nursery," only subcategories "general classification," "newborn - level I," "newborn - level II," "newborn - level III," and "newborn - level IV";

(f) "Intensive care unit," only subcategories "general classification," "surgical," "medical," "pediatric," "intermediate ICU," "burn care," and "trauma";

(g) "Coronary care unit," only subcategories "general classification," "myocardial infarction," "pulmonary care," and "intermediate CCU";

(h) "Pharmacy," only subcategories "general classification," "generic drugs," "nongeneric drugs," "drugs incident to other diagnostic services," "drugs incident to radiology," "nonprescription," and "IV solutions";

(i) "IV therapy," only subcategories "general classification," "infusion pump," "IV therapy/pharmacy services," "IV therapy/drug/supply delivery" and "IV therapy/supplies";

(j) "Medical/surgical supplies and devices," only subcategories "general classification," "nonsterile supply," "sterile supply," "pacemaker," "intraocular lens," and "other implant";

(k) "Oncology," only subcategory "general classification";

(l) "Laboratory," only subcategories "general classification," "chemistry," "immunology," "nonroutine dialysis," "hematology," "bacteriology & microbiology," and "urology";

(m) "Laboratory pathology," only subcategories "general classification," "cytology," "histology," and "biopsy";

(n) "Radiology - Diagnostic," only subcategories "general classification," "angiocardiography," "arthrography," "arteriography," and "chest X ray";

(o) "Radiology - Therapeutic and/or chemotherapy administration," only subcategories "general classification," "chemotherapy administration - injected," "chemotherapy administration - oral," "radiation therapy," and "chemotherapy administration - IV";

(p) "Nuclear medicine," only subcategories "general classification," "diagnostic," "therapeutic," "diagnostic radiopharmaceuticals," and "therapeutic radiopharmaceuticals";

(q) "CT scan," only subcategories "general classification," "head scan," and "body scan";

(r) "Operating room services," only subcategories "general classification" and "minor surgery";

(s) "Anesthesia," only subcategories "general classification," "anesthesia incident to radiology," and "anesthesia incident to other diagnostic services";

(t) "Administration, processing and storage for blood and blood component," only subcategories "general classification" and "administration";

(u) "Other imaging services," only subcategories "general classification," "diagnostic mammography," "ultrasound," and "positron emission tomography";

(v) "Respiratory services," only subcategories "general classification," "inhalation services" and "~~((hyperbaric))~~ hyperbaric oxygen therapy";

(w) "Physical therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";

(x) "Speech therapy - Language pathology," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";

(y) "Emergency room," only subcategories "general, urgent care classification" and "urgent care";

(z) "Pulmonary function," only subcategory "general classification";

(aa) "Cardiology," only subcategories "general classification," "cardiac cath lab," "stress test," and "echocardiology";

(bb) "Ambulatory surgical care," only subcategory "general classification";

(cc) "Outpatient services," only subcategory "general classification";

(dd) "Magnetic resonance technology (MRT)," only subcategories "general classification," "MRI - Brain (including brainstem)," "MRI - Spinal cord (including spine)," "MRI-other," "MRA - Head and neck," "MRA - Lower extremities," and "MRA-other";

(ee) "Medical/surgical supplies - Extension," only subcategories "supplies incident to radiology," "supplies incident to other diagnostic services," and "surgical dressings";

(ff) "Pharmacy-extension," only subcategories "single source drug," "multiple source drug," "restrictive prescription," "erythropoietin (EPO) less than ten thousand units," "erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";

(gg) "Cast room," only subcategory "general classification";

(hh) "Recovery room," only subcategory "general classification";

(ii) "Labor room/delivery," only subcategory "general classification," "labor," "delivery," and "birthing center";

(jj) "EKG/ECG (Electrocardiogram)," only subcategories "general classification," "holter monitor," and "telemetry";

(kk) "EEG (Electroencephalogram)," only subcategory "general classification";

(ll) "Gastro-intestinal services," only subcategory "general classification";

(mm) "Treatment/observation room," only subcategories "general classification," "treatment room," and "observation room";

(nn) "Extra-corporeal shock wave therapy (formerly lithotripsy)," only subcategory "general classification";

(oo) "Inpatient renal dialysis," only subcategories "general classification," "inpatient hemodialysis," "inpatient peritoneal (non-CAPD)," "inpatient continuous ambulatory peritoneal dialysis (CAPD)," and "inpatient continuous cycling peritoneal dialysis (CCPD)";

(pp) "Acquisition of body components," only subcategories "general classification," "living donor," and "cadaver donor";

(qq) "Miscellaneous dialysis," only subcategory "ultra filtration";

(rr) "Other diagnostic services," only subcategories "general classification," "peripheral vascular lab," "electromyelogram," and "pregnancy test"; and

(ss) "Other therapeutic services," only subcategory "general classification."

(2) The ((department)) agency pays for an inpatient hospital covered service in the following revenue code subcategories only when the hospital provider is approved by the ((department)) agency to provide the specific service:

(a) "All-inclusive rate," only subcategory "all-inclusive room & board plus ancillary";

(b) "Room & board - Private (one bed)," only subcategory "psychiatric";

(c) "Room & board - Semi-private (two beds)," only subcategories "psychiatric," "detoxification," "rehabilitation," and "other";

(d) "Room & board - Semi-private three and four beds," only subcategories "psychiatric" and "detoxification";

(e) "Room & board - Deluxe private," only subcategory "psychiatric";

(f) "Room & board - Ward," only subcategories "general classification" and "detoxification";

(g) "Room & board - Other," only subcategories "general classification" and "other";

(h) "Intensive care unit," only subcategory "psychiatric";

(i) "Coronary care unit," only subcategory "heart transplant";

(j) "Operating room services," only subcategories "organ transplant-other than kidney" and "kidney transplant";

(k) "Occupational therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate" and "evaluation or reevaluation";

(l) "Clinic," only subcategory "chronic pain clinic";

(m) "Ambulance," only subcategory "neonatal ambulance services";

(n) "Behavioral health treatment/services," only subcategory "electroshock treatment"; and

(o) "Behavioral health treatment/services - Extension," only subcategory "rehabilitation."

(3) The ((department)) agency pays revenue code category "occupational therapy," subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation" when:

(a) A client is in an acute PM&R facility;

(b) A client is age twenty or younger; or

(c) The diagnosis code is listed in the ((department's)) agency's published billing instructions.

(4) The ((department)) agency does not pay for inpatient hospital services in the following revenue code categories and subcategories:

(a) "All-inclusive rate," subcategory "all-inclusive room and board";

(b) "Room & board - Private (one bed)" subcategories "hospice," "detoxification," "rehabilitation," and "other";

(c) "Room & board - Semi-private (two bed)," subcategory "hospice";

(d) "Room & board - Semi-private - (three and four beds)," subcategories "hospice," "rehabilitation," and "other";

(e) "Room & board - Deluxe private," subcategories "hospice," "detoxification," "rehabilitation," and "other";

(f) "Room & board - Ward," subcategories "medical/surgical/gyn," "OB," "pediatric," "psychiatric," "hospice," "oncology," "rehabilitation," and "other";

(g) "Room & board - Other," subcategories "sterile environment," and "self care";

(h) "Nursery," subcategory "other nursery";

(i) "Leave of absence";

(j) "Subacute care";

(k) "Intensive care unit," subcategory "other intensive care";

(l) "Coronary care unit," subcategory "other coronary care";

(m) "Special charges";

(n) "Incremental nursing charge";

(o) "All-inclusive ancillary";

(p) "Pharmacy," subcategories "take home drugs," "experimental drugs," and "other pharmacy";

(q) "IV therapy," subcategory "other IV therapy";

(r) "Medical/surgical supplies and devices," subcategories "take home supplies," "prosthetic/orthotics devices," "oxygen - take home," and "other supplies/devices";

(s) "Oncology," subcategory "other oncology";

(t) "Durable medical equipment (other than renal);

(u) "Laboratory," subcategories "renal patient (home)," and "other laboratory";

(v) "Laboratory pathology," subcategory "other laboratory - pathological";

(w) "Radiology - Diagnostic," subcategory "other radiology - diagnostic";

(x) "Radiology - Therapeutic," subcategory "other radiology - therapeutic";

(y) "Nuclear medicine," subcategory "other nuclear medicine";

(z) "CT scan," subcategory "other CT scan";

(aa) "Operating room services," subcategory "other operating room services";

(bb) "Anesthesia," subcategories "acupuncture," and "other anesthesia";

(cc) "Blood and blood components";

(dd) "Administration, processing and storage for blood and blood components," subcategory "other processing and storage";

(ee) "Other imaging services," subcategories "screening mammography," and "other imaging services";

(ff) "Respiratory services," subcategory "other respiratory services";

(gg) "Physical therapy," subcategory "other physical therapy";

(hh) "Occupational therapy," subcategory "other occupational therapy";

(ii) "Speech therapy - Language pathology," subcategory "other speech-language pathology";

(jj) "Emergency room," subcategories "EMTALA emergency medical screening services," "ER beyond EMTALA screening," and "other emergency room";

(kk) "Pulmonary function," subcategory "other pulmonary function";

(ll) "Audiology";

(mm) "Cardiology," subcategory "other cardiology";

(nn) "Ambulatory surgical care," subcategory "other ambulatory surgical care";

(oo) "Outpatient services," subcategory "other outpatient service";

(pp) "Clinic," subcategories "general classification," "dental clinic," "psychiatric clinic," "OB-gyn clinic," "pediatric clinic," "urgent care clinic," "family practice clinic," and "other clinic";

(qq) "Free-standing clinic";

(rr) "Osteopathic services";

(ss) "Ambulance," subcategories "general classification," "supplies," "medical transport," "heart mobile," "oxygen," "air ambulance," "pharmacy," "telephone transmission EKG," and "other ambulance";

(tt) "Home health (HH) skilled nursing";

(uu) "Home health (HH) medical social services";

(vv) "Home health (HH) - Aide";

(ww) "Home health (HH) - Other visits";

(xx) "Home health (HH) - Units of service";

(yy) "Home health (HH) - Oxygen";

(zz) "Magnetic resonance technology (MRT)," subcategory "other MRT";

(aaa) "Medical" "medical/surgical supplies - extension," subcategory "FDA investigational devices";

(bbb) "Home IV therapy services";

(ccc) "Hospice services";

(ddd) "Respite care";

(eee) "Outpatient special residence charges";

(fff) "Trauma response";

(ggg) "Cast room," subcategory "other cast room";

(hhh) "Recovery room," subcategory "other recovery room";

(iii) "Labor room/delivery," subcategories "circumcision" and "other labor room/delivery";

(jjj) "EKG/ECG (Electrocardiogram)," subcategory "other EKG/ECG";

(kkk) "EEG (Electroencephalogram)," subcategory "other EEG";

(lll) "Gastro-intestinal services," subcategory "other gastro-intestinal";

(mmm) "Specialty room - Treatment/observation room," subcategory "other ((speciality)) specialty rooms";

(nnn) "Preventive care services";

(ooo) "Telemedicine";

(ppp) "Extra-corporeal shock wave therapy (formerly lithotripsy)," subcategory "other ESWT";

(qqq) "Inpatient renal dialysis," subcategory "other inpatient dialysis";

(rrr) "Acquisition of body components," subcategories "unknown donor," "unsuccessful organ search - donor bank charges," and "other donor";

(sss) "Hemodialysis - Outpatient or home";

(ttt) "Peritoneal dialysis - Outpatient or home";

(uuu) "Continuous ambulatory peritoneal dialysis (CAPD) - Outpatient or home";

(vvv) "Continuous cycling peritoneal dialysis (CCPD) - Outpatient or home";

(www) "Miscellaneous dialysis," subcategories "general classification," "home dialysis aid visit," and "other miscellaneous dialysis";

(xxx) "Behavioral health treatments/services," subcategories "general classification," "milieu therapy," "play therapy," "activity therapy," "intensive outpatient services - psychiatric," "intensive outpatient services - chemical dependency," "community behavioral health program (day treatment)";

(yyy) "Behavioral health treatment/services" - (extension), subcategories "rehabilitation," "partial hospitalization - less intensive," "partial hospitalization - intensive," "individual therapy," "group therapy," "family therapy," "bio feedback," "testing," and "other behavioral health treatment/services";

(zzz) "Other diagnostic services," subcategories "general classification," "pap smear," "allergy test," and "other diagnostic service";

(aaaa) "Medical rehabilitation day program";

(bbbb) "Other therapeutic services," subcategories "recreational therapy," "cardiac rehabilitation," "drug rehabilitation," "alcohol rehabilitation," "complex medical equipment - routine," "complex medical equipment - ancillary," and "other therapeutic services";

(cccc) "Other therapeutic services - extension," subcategories "athletic training" and "kinesiotherapy";

(dddd) "Professional fees";

(eeee) "Patient convenience items"; and

(ffff) Revenue code categories and subcategories that are not identified in this section.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1500 Covered and noncovered revenue code categories and subcategories for outpatient hospital services. (1) The ((department)) medicaid agency pays for an outpatient hospital covered service in the following revenue code categories and subcategories when the hospital provider accurately bills:

(a) "Pharmacy," only subcategories "general classification," "generic drugs," "nongeneric drugs," "drugs incident to other diagnostic services," "drugs incident to radiology," "nonprescription," and "IV solutions";

(b) "IV therapy," only subcategories "general classification," "infusion pump," "IV therapy/pharmacy services," "IV therapy/drug/supply delivery," and "IV therapy/supplies";

- (c) "Medical/surgical supplies and devices," only subcategories "general classification," "nonsterile supply," "sterile supply," "pacemaker," "intraocular lens," and "other implant," and "other supplies/devices";
- (d) "Oncology," only subcategory "general classification";
- (e) "Durable medical equipment (other than renal)," only subcategory "general classification";
- (f) "Laboratory," only subcategories "general classification," "chemistry," "immunology," "renal patient (home)," "nonroutine dialysis," "hematology," "bacteriology and microbiology," and "urology";
- (g) "Laboratory pathology," only subcategories "general classification," "cytology," "histology," and "biopsy";
- (h) "Radiology - Diagnostic," only subcategories "general classification," "angiocardiology," "arthrography," "arteriography," and "chest X ray";
- (i) "Radiology - Therapeutic and/or chemotherapy administration," only subcategories "general classification," "chemotherapy - injected," "chemotherapy - oral," "radiation therapy," and "chemotherapy - IV";
- (j) "Nuclear medicine," only subcategories "general classification," "diagnostic," and "therapeutic," "diagnostic radiopharmaceuticals," and "therapeutic radiopharmaceuticals";
- (k) "CT scan," only subcategories "general classification," "head scan," and "body scan";
- (l) "Operating room services," only subcategories "general classification" and "minor surgery";
- (m) "Anesthesia," only subcategories "general classification," "anesthesia incident to radiology," and "anesthesia incident to other diagnostic services";
- (n) "Administration, processing and storage for blood and blood components," only subcategories "general classification" and "administration";
- (o) "Other imaging," only subcategories "general classification," "diagnostic mammography," "ultrasound," "screening mammography," and "positron emission tomography";
- (p) "Respiratory services," only subcategories "general classification," "inhalation services," and "~~((hyperbaric))~~ hyperbaric oxygen therapy";
- (q) "Physical therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";
- (r) "Occupational therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";
- (s) "Speech therapy - Language pathology," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";
- (t) "Emergency room," only subcategories "general classification" and "urgent care";
- (u) "Pulmonary function," only subcategory "general classification";
- (v) "Audiology," only subcategories "general classification," "diagnostic," and "treatment";
- (w) "Cardiology," only subcategories "general classification," "cardiac cath lab," "stress test," and "echocardiology";
- (x) "Ambulatory surgical care," only subcategory "general classification";
- (y) "Magnetic resonance technology (MRT)," only subcategories "general classification," "MRI - Brain (including brainstem)," "MRI - Spinal cord (including spine)," "MRI-other," "MRA - Head and neck," "MRA - Lower extremities" and "MRA-other";
- (z) "Medical/surgical supplies - Extension," only subcategories "supplies incident to radiology," "supplies incident to other diagnostic services," and "surgical dressings";
- (aa) "Pharmacy - Extension," only subcategories "single source drug," "multiple source drug," "restrictive prescription," "erythropoietin (EPO) less than ten thousand units," "erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";
- (bb) "Cast room," only subcategory "general classification";
- (cc) "Recovery room," only subcategory "general classification";
- (dd) "Labor room/delivery," only subcategories "general classification," "labor," "delivery," and "birthing center";
- (ee) "EKG/ECG (Electrocardiogram)," only subcategories "general classification," "holter monitor," and "telemetry";
- (ff) "EEG (Electroencephalogram)," only subcategory "general classification";
- (gg) "Gastro-intestinal services," only subcategory "general classification";
- (hh) "Specialty room - Treatment/observation room," only subcategories "treatment room," and "observation room";
- (ii) "Telemedicine," only subcategory "other telemedicine";
- (jj) "Extra-corporeal shock wave therapy (formerly lithotripsy)," subcategory "general classification";
- (kk) "Acquisition of body components," only subcategories "general classification," "living donor," and "cadaver donor";
- (ll) "Hemodialysis - Outpatient or home," only subcategory "general classification";
- (mm) "Peritoneal dialysis - Outpatient or home," only subcategory "general classification";
- (nn) "Continuous ambulatory peritoneal dialysis (CAPD) - Outpatient or home," only subcategory "general classification";
- (oo) "Continuous cycling peritoneal dialysis (CCPD) - Outpatient or home," only subcategory "general classification";
- (pp) "Miscellaneous dialysis," only subcategories "general classification," and "ultra filtration";
- (qq) "Behavioral health treatments/services," only subcategory "electroshock treatment"; and
- (rr) "Other diagnostic services," only subcategories "general classification," "peripheral vascular lab," "electromyelogram," "pap smear," and "pregnancy test."
- (2) The ~~((department))~~ agency pays for an outpatient hospital covered service in the following revenue code subcategories only when the outpatient hospital provider is approved by the ~~((department))~~ agency to provide the specific service~~((s))~~:

- (a) "Clinic," subcategories "general classification," "dental clinic," and "other clinic"; and
- (b) "Other therapeutic services," subcategories, "general classification," "education/training," "cardiac rehabilitation," and "other therapeutic service."
- (3) The ~~(department)~~ agency does not pay for outpatient hospital services in the following revenue code categories and subcategories:
- (a) "All-inclusive rate";
- (b) "Room & board - Private (one bed)";
- (c) "Room & board - Semi-private (two beds)";
- (d) "Room & board - Semi-private (three and four beds)";
- (e) "Room & board - Deluxe private";
- (f) "Room & board - Ward";
- (g) "Room & board - Other";
- (h) "Nursery";
- (i) "Leave of absence";
- (j) "Subacute care";
- (k) "Intensive care unit";
- (l) "Coronary care unit";
- (m) "Special charges";
- (n) "Incremental nursing charge rate";
- (o) "All-inclusive ancillary";
- (p) "Pharmacy," subcategories "take home drugs," "experimental drugs," and "other pharmacy";
- (q) "IV therapy," subcategory "other IV therapy";
- (r) "Medical/surgical supplies and devices," subcategories "take home supplies," "prosthetic/orthotic devices," and "oxygen - take home";
- (s) "Oncology," subcategory "other oncology";
- (t) "Durable medical equipment (other than renal)," subcategories "rental," "purchase of new DME," "purchase of used DME," "supplies/drugs for DME effectiveness (home health agency only)," and "other equipment";
- (u) "Laboratory," subcategory "other laboratory";
- (v) "Laboratory pathology," subcategory "other laboratory pathological";
- (w) "Radiology - Diagnostic," subcategory "other radiology - diagnostic";
- (x) "Radiology - Therapeutic and/or chemotherapy administration," subcategory "other radiology - therapeutic";
- (y) "Nuclear medicine," subcategory "other nuclear medicine";
- (z) "CT scan," subcategory "other CT scan";
- (aa) "Operating room services," subcategories "organ transplant - other than kidney," "kidney transplant," and "other operating room services";
- (bb) "Anesthesia," subcategories "acupuncture" and "other anesthesia";
- (cc) "Blood and blood components";
- (dd) "Administration, processing and storage for blood and blood component," subcategory "other processing and storage";
- (ee) "Other imaging," subcategory "other imaging service";
- (ff) "Respiratory services," subcategory "other respiratory services";
- (gg) "Physical therapy services," subcategory "other physical therapy";
- (hh) "Occupational therapy services," subcategory "other occupational therapy";
- (ii) "Speech therapy - Language pathology," subcategory "other speech-language pathology";
- (jj) "Emergency room," subcategories "EMTALA emergency medical screening services," "ER beyond EMTALA screening" and "other emergency room";
- (kk) "Pulmonary function," subcategory "other pulmonary function";
- (ll) "Audiology," subcategory "other audiology";
- (mm) "Cardiology," subcategory "other cardiology";
- (nn) "Ambulatory surgical care," subcategory "other ambulatory surgical care";
- (oo) "Outpatient services";
- (pp) "Clinic," subcategories "chronic pain center," "psychiatric clinic," "OB-GYN clinic," "pediatric clinic," "urgent care clinic," and "family practice clinic";
- (qq) "Free-standing clinic";
- (rr) "Osteopathic services";
- (ss) "Ambulance";
- (tt) "Home health (HH) - Skilled nursing";
- (uu) "Home health (HH) - Medical social services";
- (vv) "Home health (HH) - Aide";
- (ww) "Home health (HH) - Other visits";
- (xx) "Home health (HH) - Units of service";
- (yy) "Home health (HH) - Oxygen";
- (zz) "Magnetic resonance technology (MRT)," subcategory "other MRT";
- (aaa) "Medical/surgical supplies - Extension," only subcategory "FDA investigational devices";
- (bbb) "Home IV therapy services";
- (ccc) "Hospice services";
- (ddd) "Respite care";
- (eee) "Outpatient special residence charges";
- (fff) "Trauma response";
- (ggg) "Cast room," subcategory "other cast room";
- (hhh) "Recovery room," subcategory "other recovery room";
- (iii) "Labor room/delivery," subcategories "circumcision" and "other labor room/delivery";
- (jjj) "EKG/ECG (Electrocardiogram)," subcategory "other EKG/ECG";
- (kkk) "EEG (Electroencephalogram)," subcategory "other EEG";
- (lll) "Gastro-intestinal services," subcategory "other gastro-intestinal";
- (mmm) "Specialty room - Treatment/observation room," subcategories "general classification" and "other speciality rooms";
- (nnn) "Preventive care services";
- (ooo) "Telemedicine," subcategory "general classification";
- (ppp) "Extra-corporal shock wave therapy (formerly lithotripsy)," subcategory "other ESWT";
- (qqq) "Inpatient renal dialysis";
- (rrr) "Acquisition of body components," subcategories "unknown donor," "unsuccessful organ search - donor bank charges," and "other donor";
- (sss) "Hemodialysis - Outpatient or home," subcategories "hemodialysis/composite or other rate," "home supplies,"

"home equipment," "maintenance one hundred percent (home)," "support services (home)," and "other outpatient hemodialysis (home)";

(tt) "Peritoneal dialysis - Outpatient or home," subcategories "peritoneal/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent (home)," "support services (home)," and "other outpatient peritoneal dialysis (home)";

(uuu) "Continuous ambulatory peritoneal dialysis (CAPD) - Outpatient or home," subcategories "CAPD/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent (home)," "support services (home)," and "other outpatient CAPD (home)";

(vvv) "Continuous cycling peritoneal dialysis (CCPD) - Outpatient or home," subcategories "CCPD/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent (home)," "support services (home)," and "other outpatient CCPD (home)";

(www) "Miscellaneous dialysis," subcategories "home dialysis aid visit" and "other miscellaneous dialysis";

(xxx) "Behavioral health treatments/services," subcategories "general classification," "milieu therapy," "play therapy," "activity therapy," "intensive outpatient services - psychiatric," "intensive outpatient services - chemical dependency," and "community behavioral health program (day treatment)";

(yyy) "Behavioral health treatment/services (extension)";

(zzz) "Other diagnostic services," subcategories "allergy test" and "other diagnostic services";

(aaaa) "Medical rehabilitation day program";

(bbbb) "Other therapeutic services - extension," subcategories "recreational therapy," "drug rehabilitation," "alcohol rehabilitation," "complex medical equipment - routine," "complex medical equipment - ancillary," "athletic training," and "kinesiotherapy";

(ccc) "Professional fees";

(dddd) "Patient convenience items"; and

(eeee) Revenue code categories and subcategories that are not identified in this section.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1600 Specific items/services not covered. The ~~((department))~~ medicaid agency does not pay for an inpatient or outpatient hospital service, treatment, equipment, drug, or supply that is not listed or referred to as a covered service in this chapter. The following list of noncovered items and services is not intended to be all-inclusive. Noncovered items and services include, but are not limited to:

(1) Personal care items such as, but not limited to, slippers, toothbrush, comb, hair dryer, and make-up;

(2) Telephone/teletype services or television/radio rentals;

(3) Medical photographic or audio/videotape records;

(4) Crisis counseling;

(5) Psychiatric day care;

(6) Ancillary services, such as respiratory and physical therapy, performed by regular nursing staff assigned to the floor or unit;

(7) Standby personnel and travel time;

(8) Routine hospital medical supplies and equipment such as bed scales;

(9) Handling fees and portable X-ray charges;

(10) Room and equipment charges ("rental charges") for use periods concurrent with another room or similar equipment for the same client;

(11) Cafeteria charges; and

(12) Services and supplies provided to nonpatients, such as meals and "father packs."

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-1900 Transplant coverage. (1) The ~~((department))~~ medicaid agency pays for medically necessary transplant procedures only for eligible ~~((medical assistance))~~ Washington apple health clients who are not otherwise subject to a managed care organization (MCO) plan. Clients eligible under the alien emergency medical (AEM) program are not eligible for transplant coverage.

(2) The ~~((department))~~ agency covers the following transplant procedures when the transplant procedures are performed in a hospital designated by the ~~((department))~~ agency as a "center of excellence" for transplant procedures and meet that hospital's criteria for establishing appropriateness and the medical necessity of the procedures:

(a) Solid organs involving the heart, kidney, liver, lung, heart-lung, pancreas, kidney-pancreas, and small bowel;

(b) Bone marrow and peripheral stem cell (PSC);

(c) Skin grafts; and

(d) Corneal transplants.

(3) For procedures covered under subsections (2)(a) and (b) of this section, the ~~((department))~~ agency pays facility charges only to those hospitals that meet the standards and conditions:

(a) Established by the ~~((department))~~ agency; and

(b) Specified in WAC ~~((388-550-2100 and 388-550-2200))~~ 182-550-2100 and 182-550-2200.

(4) The ~~((department))~~ agency pays for skin grafts and corneal transplants to any qualified hospital, subject to the limitations in this chapter.

(5) The ~~((department))~~ agency deems organ procurement fees as being included in the payment to the transplant hospital. The ~~((department))~~ agency may make an exception to this policy and pay these fees separately to a transplant hospital when an eligible medical ~~((medical))~~ client is covered by a third-party payer ~~((which))~~ that will pay for the organ transplant procedure itself but not for the organ procurement.

(6) The ~~((department))~~ agency, without requiring prior authorization, pays for up to fifteen matched donor searches per client approved for a bone marrow transplant. The ~~((department))~~ agency requires prior authorization for matched donor searches in excess of fifteen per bone marrow transplant client.

(7) The ~~((department))~~ agency does not pay for experimental transplant procedures. In addition, the ~~((department))~~

agency considers as experimental those services including, but not limited to, the following:

(a) Transplants of three or more different organs during the same hospital stay;

(b) Solid organ and bone marrow transplants from animals to humans; and

(c) Transplant procedures used in treating certain medical conditions for which use of the procedure has not been generally accepted by the medical community or for which its efficacy has not been documented in peer-reviewed medical publications.

(8) The ~~((department))~~ agency pays for a solid organ transplant procedure only once per client's lifetime, except in cases of organ rejection by the client's immune system during the original hospital stay.

(9) The ~~((department))~~ agency pays for bone marrow, PSC, skin grafts, and corneal transplants when medically necessary.

(10) The ~~((department))~~ agency may conduct a post-payment retrospective utilization review as described in WAC ~~((388-550-1700))~~ 182-550-1700, and may adjust the payment if the ~~((department))~~ agency determines the criteria in this section are not met.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2100 Requirements—Transplant hospitals. This section applies to requirements for hospitals that perform the ~~((department))~~ medicaid agency-approved transplants described in WAC ~~((388-550-1900))~~ 182-550-1900(2).

(1) The ~~((department))~~ agency requires in-state transplant hospitals to meet the following requirements ~~((in order))~~ to be paid for transplant services provided to ~~((medical assistance))~~ Washington apple health clients. A hospital must have:

(a) An approved certificate of need (CON) from the state department of health (DOH) for the type~~((s))~~ of transplant procedure~~((s))~~ to be performed, except that the ~~((department))~~ agency does not require CON approval for a hospital that provides peripheral stem cell (PSC), skin graft or corneal transplant services;

(b) Approval from the United Network of Organ Sharing (UNOS) to perform transplants, except that the ~~((department))~~ agency does not require UNOS approval for a hospital that provides PSC, skin graft, or corneal transplant services; and

(c) Been approved by the ~~((department))~~ agency as a center of excellence transplant center for the specific organ~~((s))~~ or procedure~~((s))~~ the hospital proposes to perform.

(2) The ~~((department))~~ agency requires an out-of-state transplant center, including bordering city and critical border hospitals, to be a medicare-certified transplant center in a hospital participating in that state's medicaid program. All out-of-state transplant services, excluding those provided in ~~((department))~~ agency-approved centers of excellence (COE) in bordering city and critical border hospitals, must be prior authorized.

(3) The ~~((department))~~ agency considers a hospital for approval as a transplant center of excellence when the hospital submits to the ~~((department))~~ agency a copy of its DOH-approved CON for transplant services, or documentation that it has, at a minimum:

(a) Organ-specific transplant physicians for each organ or transplant team. The transplant surgeon and other responsible team members must be experienced and board-certified or board-eligible practitioners in their respective disciplines, including, but not limited to, the fields of cardiology, cardiovascular surgery, anesthesiology, hemodynamics and pulmonary function, hepatology, hematology, immunology, oncology, and infectious diseases. The ~~((department))~~ agency considers this requirement met when the hospital submits to the ~~((department))~~ agency a copy of its DOH-approved CON for transplant services;

(b) Component teams which are integrated into a comprehensive transplant team with clearly defined leadership and responsibility. Transplant teams must include, but not be limited to:

(i) A team-specific transplant coordinator for each type of organ;

(ii) An anesthesia team available at all times; and

(iii) A nursing service team trained in the hemodynamic support of the patient and in managing immunosuppressed patients.

(c) Other resources that the transplant hospital must have include:

(i) Pathology resources for studying and reporting the pathological responses of transplantation;

(ii) Infectious disease services with both the professional skills and the laboratory resources needed to identify and manage a whole range of organisms; and

(iii) Social services resources.

(d) An organ procurement coordinator;

(e) A method ensuring that transplant team members are familiar with transplantation laws and regulations;

(f) An interdisciplinary body and procedures in place to evaluate and select candidates for transplantation;

(g) An interdisciplinary body and procedures in place to ensure distribution of donated organs in a fair and equitable manner conducive to an optimal or successful patient outcome;

(h) Extensive blood bank support;

(i) Patient management plans and protocols; and

(j) Written policies safeguarding the rights and privacy of patients.

(4) In addition to the requirements of subsection (3) of this section, the transplant hospital must:

(a) Satisfy the annual volume and survival rates criteria for the particular transplant procedures performed at the hospital, as specified in WAC ~~((388-550-2200))~~ 182-550-2200(2).

(b) Submit a copy of its approval from the United Network for Organ Sharing (UNOS), or documentation showing that the hospital:

(i) Participates in the national donor procurement program and network; and

(ii) Systematically collects and shares data on its transplant ~~((program(s)))~~ programs with the network.

(5) The ~~((department))~~ agency applies the following specific requirements to a PSC transplant hospital:

(a) A PSC transplant hospital must be ~~((a department))~~ an agency-approved COE to perform any of the following PSC services:

(i) Harvesting, if it has its own apheresis equipment which meets federal or American Association of Blood Banks (AABB) requirements;

(ii) Processing, if it meets AABB quality of care requirements for human tissue/tissue banking; and

(iii) Reinfusion, if it meets the criteria established by the Foundation for the Accreditation of Hematopoietic Cell Therapy.

(b) A ~~((PCS [PSC]))~~ PSC transplant hospital may purchase PSC processing and harvesting services from other ~~((department))~~ agency-approved processing providers.

(6) The ~~((department))~~ agency does not pay a PSC transplant hospital for AABB inspection and certification fees related to PSC transplant services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2200 Transplant requirements—COE. (1) The ~~((department))~~ medicare agency measures the effectiveness of transplant centers of excellence (COE) using the performance criteria in this section. Unless otherwise waived by the ~~((department))~~ agency, the ~~((department))~~ agency applies these criteria to a hospital during both initial and periodic evaluations for designation as a transplant COE. The COE performance criteria ~~((shall))~~ must include, but not be limited to:

(a) Meeting annual volume requirements for the specific transplant procedures for which approved;

(b) Patient survival rates; and

(c) Relative cost per case.

(2) A transplant COE must meet or exceed annually the following applicable volume criteria for the particular transplant procedures performed at the facility, except for cornea transplants which do not have established minimum volume requirements. Annual volume requirements for transplant centers of excellence include:

(a) Twelve or more heart transplants;

(b) Ten or more lung transplants;

(c) Ten or more heart-lung transplants;

(d) Twelve or more liver transplants;

(e) Twenty-five or more kidney transplants;

(f) Eighteen or more pancreas transplants;

(g) Eighteen or more kidney-pancreas transplants;

(h) Ten or more bone marrow transplants; and

(i) Ten or more peripheral stem cell (PSC) transplants.

Dual-organ procedures may be counted once under each organ and the combined procedure.

(3) A transplant hospital within the state that fails to meet the volume requirements in subsection (1) of this section may submit a written request to the ~~((department))~~ agency for conditional approval as a transplant COE. The ~~((department))~~ agency considers the minimum volume requirement met when the requestor submits an approved

certificate of need for transplant services from the department of health (DOH).

(4) An in-state hospital granted conditional approval by the ~~((department))~~ agency as a transplant COE must meet the ~~((department's))~~ agency's criteria, as established in this chapter, within one year of the conditional approval. The ~~((department))~~ agency must automatically revoke such conditional approval for any hospital ~~((which))~~ that fails to meet the ~~((department's))~~ agency's published criteria within the allotted one year period, unless:

(a) The hospital submits a written request for extension of the conditional approval thirty calendar days ~~((prior to))~~ before the expiration date; and

(b) ~~((Such))~~ The request is granted by the ~~((department))~~ agency.

(5) A transplant center of excellence must meet medicare's survival rate requirements for the transplant procedure~~((s))~~(~~((s))~~) performed at the hospital.

(6) A transplant COE must submit to the ~~((department))~~ agency annually, at the same time the hospital submits a copy of its medicare cost report (Form 2552-96) documentation showing:

(a) The numbers of transplants performed at the hospital during its preceding fiscal year, by type of procedure; and

(b) Survival rates data for procedures performed over the preceding three years as reported on the United Network of Organ Sharing report form.

(7) Transplant hospitals must:

(a) Submit to the ~~((department))~~ agency, within sixty days of the date of the hospital's approval as a COE, a complete set of the comprehensive patient selection criteria and treatment protocols used by the hospital for each transplant procedure it has been approved to perform.

(b) Submit to the ~~((department))~~ agency annual updates to the documents listed in ~~((subsection))~~ (a) of this ~~((section))~~ subsection, or ~~((whenever))~~ when the hospital makes a change to the criteria ~~((and))~~ or protocols.

(c) Notify the ~~((department))~~ agency if no changes occurred during a reporting period.

(8) The ~~((department))~~ agency evaluates compliance with the provisions of WAC ~~((388-550-2100 (2)(d) and (e)))~~ 182-550-2100(3) based on the protocols and criteria submitted to the ~~((department))~~ agency by a transplant COE ~~((in accordance with))~~ under subsection (7) of this section. The ~~((department))~~ agency terminates a hospital's designation as a transplant COE if a review or audit finds that hospital in non-compliance with:

(a) Its protocols and criteria in evaluating and selecting candidates for transplantation; and

(b) Distributing donated organs in a fair and equitable manner that promotes an optimal or successful patient outcome.

(9) The ~~((department))~~ agency:

(a) Provides notification to a transplant COE it finds in noncompliance with subsection (8) of this section, and may allow from the date of notification sixty days within which such centers may submit a plan to correct a breach of compliance;

(b) Does not allow the sixty-day option as stated in (a) of this subsection for a breach that constitutes a danger to the

health and safety of clients as stated in WAC (~~(388-502-0030)~~) 182-502-0030;

(c) Requires, within six months of submitting a plan to correct a breach of compliance, a center to report that:

- (i) The breach of compliance has been corrected; or
- (ii) Measurable and significant improvement toward correcting (~~(such)~~) the breach of compliance exists.

(10) The (~~(department)~~) agency periodically reviews the list of approved transplant COEs. The (~~(department)~~) agency may limit the number of hospitals it designates as a transplant COE or contracts with to provide services to (~~(medical assistance)~~) Washington apple health clients if, in the (~~(department's)~~) agency's opinion, doing so would promote better client outcomes and cost efficiencies.

(11) The (~~(department)~~) agency pays (~~(a department)~~) an agency-approved COE for covered transplant procedures using methods identified in chapter (~~(388-550)~~) 182-550 WAC.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2301 Hospital and medical criteria requirements for bariatric surgery. (1) The (~~(department)~~) medicaid agency pays a hospital for bariatric surgery and bariatric surgery-related services only when the surgery is provided in an inpatient hospital setting and only when:

(a) The client qualifies for bariatric surgery by successfully completing all requirements under WAC (~~(388-531-1600)~~) 182-531-1600;

(b) The client continues to meet the criteria to qualify for bariatric surgery under WAC (~~(388-531-1600)~~) 182-531-1600 up to the actual surgery date;

(c) The hospital providing the bariatric surgery and bariatric surgery-related services meets the requirements in this section and other applicable WAC; and

(d) The hospital receives prior authorization from the (~~(department prior to)~~) agency before performing a bariatric surgery for a (~~(medical assistance)~~) Washington apple health client.

(2) A hospital must meet the following requirements (~~(in order)~~) to be paid for bariatric surgery and bariatric surgery-related services provided to an eligible (~~(medical assistance)~~) Washington apple health client. The hospital must:

(a) Be approved by the (~~(department)~~) agency to provide bariatric surgery and bariatric surgery-related services and(~~;~~);

(i) For dates of admission (~~(on or)~~) after (~~(July 1)~~) June 30, 2007, be located in Washington state or approved bordering cities (see WAC (~~(388-501-0175)~~) 182-501-0175).

(ii) For dates of admission (~~(on or)~~) after (~~(July 1)~~) June 30, 2007, be located in Washington state, or be (~~(a department)~~) an agency-designated critical border hospital.

(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, (~~(department)~~) the agency 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 postsurgery;
- (iv) Have an average loss of at least fifty percent of excess body weight achieved by patients at five years postsurgery; and
- (v) Have a reoperation or revision rate of five percent or less.

(c) Submit documents to the (~~(department's)~~) agency's division of health care services that verify the performance requirements listed in this section.

(3) The (~~(department)~~) agency 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 surgical Clinical Outcomes Assessment Program (COAP).

(4) See WAC (~~(388-531-1600)~~) 182-531-1600(13) 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 admission and date of service; and

(b) The hospital and professional providers meet(~~(s)~~) the criteria in this section and other applicable WAC to perform bariatric surgery (~~(and)~~) or to provide bariatric surgery-related services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2400 Inpatient chronic pain management services. (1) The (~~(department)~~) medicaid agency pays a hospital that is specifically approved by the (~~(department)~~) agency to provide inpatient chronic pain management services, an all-inclusive per diem facility fee. The (~~(department)~~) agency pays professional fees for chronic pain management services to performing providers (~~(in accordance with the department's)~~) under the agency's fee schedule.

(2) A client qualifies for inpatient chronic pain management services when all (~~(of)~~) the following apply:

(a) The client has had pain for at least three months and has not improved with conservative treatment, including tests and therapies;

(b) At least six months have passed since a previous surgical procedure was done (~~(in relation to)~~) concerning the pain problem; and

(c) A client with active substance abuse must have completed a detoxification program, if appropriate, and must be free from drugs and/or alcohol for at least six months.

(3) The (~~(department)~~) agency:

(a) Covers inpatient chronic pain management training to assist eligible clients to manage chronic pain.

(b) Pays for only one inpatient hospital stay, up to a maximum of twenty-one consecutive days, for chronic pain management training per a client's lifetime.

(c) Does not require prior authorization for chronic pain management services.

(d) Does not pay for services unrelated to the chronic pain management services that are provided during the client's inpatient stay, unless the hospital requests and receives prior authorization from the ~~((department))~~ agency.

(4) All applicable claim payment adjustments for client responsibility, third party liability, medicare crossover, etc., apply to the ~~((department))~~ agency.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2431 Hospice services—Inpatient payments. See chapter ~~((388-551))~~ 182-551 WAC(~~(;)~~) Alternatives to hospital services, subchapter I—Hospice services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2500 Inpatient hospice services. (1) The ~~((department))~~ medicaid agency pays hospice agencies participating in the ~~((medical assistance))~~ Washington apple health program for general inpatient and inpatient respite services provided to clients in hospice care, when:

(a) The hospice agency coordinates the provision of ~~((such))~~ the inpatient services; and

(b) ~~((Such))~~ The services are related to the medical condition for which the client sought hospice care.

(2) Hospice agencies must bill the ~~((department))~~ agency for their services using revenue codes. The ~~((department))~~ agency pays hospice providers a set per diem fee according to the type of care provided to the client on a daily basis.

(3) The ~~((department))~~ agency pays hospital providers directly ~~((pursuant))~~ according to this chapter for inpatient care provided to clients in the hospice program for medical conditions not related to their terminal illness.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2501 Acute physical medicine and rehabilitation (acute PM&R) program—General. Acute physical medicine and rehabilitation (acute PM&R) is a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services provided during the acute phase of a client's rehabilitation. The ~~((department))~~ medicaid agency requires prior authorization for acute PM&R services. (See WAC ~~((388-550-2561))~~ 182-550-2561 for prior authorization requirements.)

(1) An interdisciplinary team coordinates individualized acute PM&R services at ~~((a department))~~ an agency-approved rehabilitation hospital to achieve the following for a client:

(a) Improved health and welfare; and

(b) Maximum physical, social, psychological, and educational or vocational potential.

(2) The ~~((department))~~ agency determines and authorizes a length of stay based on:

(a) The client's acute PM&R needs; and

(b) Community standards of care for acute PM&R services.

(3) When the ~~((department's))~~ agency's authorized acute period of rehabilitation ends, the hospital provider discharges the client to the client's residence, or to an appropriate level of care. Therapies may continue to help the client achieve maximum potential through other ~~((department))~~ agency programs such as:

(a) Home health services;

(b) Nursing facilities;

(c) Outpatient physical, occupational, and speech therapies; or

(d) Neurodevelopmental centers.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2531 Requirements for becoming an acute PM&R provider. (1) Before August 1, 2007, only an in-state or bordering city hospital may apply to become a ~~((department))~~ medicaid agency-approved acute PM&R hospital. ~~((On and after August 1))~~ After July 31, 2007 an in-state, bordering city(~~(;)~~) or critical border hospital may apply to become ~~((a department))~~ an agency-approved acute PM&R hospital. To apply, the ~~((department))~~ agency requires the hospital provider to submit a letter of request to:

Acute PM&R Program Manager
Division of Health Care Services
Health and Recovery Services Administration
P.O. Box 45506
Olympia, WA 98504-5506

(2) A hospital that applies to become ~~((a department))~~ an agency-approved acute PM&R facility must provide the ~~((department))~~ agency with documentation that confirms the facility is all ~~((of))~~ the following:

(a) A medicare-certified hospital;

(b) Accredited by the joint commission on accreditation of health care organizations (JCAHO);

(c) Licensed by the department of health (DOH) as an acute care hospital as defined under WAC 246-310-010;

(d) Commission on accreditation of rehabilitation facilities (CARF) accredited as a comprehensive integrated inpatient rehabilitation program or as a pediatric family centered rehabilitation program, unless subsection (3) of this section applies;

(e) For dates of admission before July 1, 2007, contracted under the ~~((department's))~~ agency's selective contracting program, if in a selective contracting area, unless exempted from the requirements by the ~~((department))~~ agency; and

(f) Operating per the standards set by DOH (excluding the certified rehabilitation registered nurse (CRRN) requirement) in either:

(i) WAC ~~((246-976-830))~~ 246-976-800 Level I trauma rehabilitation designation; or

(ii) WAC ~~((246-976-840))~~ 246-976-800 Level II trauma rehabilitation designation.

(3) A hospital not yet accredited by CARF:

(a) May apply for or be awarded a twelve-month conditional written approval by the ~~((department))~~ agency if the facility:

(i) Provides the ~~((department))~~ agency with documentation that it has started the process of obtaining full CARF accreditation; and

(ii) Is actively operating under CARF standards.

(b) ~~((Is required to))~~ Must obtain full CARF accreditation within twelve months of the ~~((department's))~~ agency's conditional approval date. If this requirement is not met, the ~~((department))~~ agency sends a letter of notification to revoke the conditional approval.

(4) A hospital qualifies as ~~((a department))~~ an agency-approved acute PM&R hospital when:

(a) The hospital meets all the applicable requirements in this section;

(b) The ~~((department's))~~ agency's clinical staff has conducted a facility site visit; and

(c) The ~~((department))~~ agency provides written notification that the hospital qualifies to be paid for providing acute PM&R services to eligible ~~((medical assistance))~~ Washington apple health clients.

(5) The ~~((department))~~ agency-approved acute PM&R hospitals must meet the general requirements in chapter ~~((388-502))~~ 182-502 WAC~~((;))~~ Administration of medical programs—Providers.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2541 Quality of care—~~((Department))~~ Agency-approved acute PM&R hospital. (1) To ensure quality of care, the ~~((department))~~ medicaid agency may conduct reviews (e.g., post-pay, on-site) of any ~~((department))~~ agency-approved acute PM&R hospital.

(2) A provider of acute PM&R services must act on any report of substandard care or violation of the hospital's medical staff bylaws and CARF standards. The provider must have and follow written procedures that:

(a) Provide a resolution to either a complaint or grievance or both; and

(b) Comply with applicable CARF standards for adults or pediatrics as appropriate.

(3) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

(a) The department of health (DOH);

(b) The joint commission on accreditation of health care organizations (JCAHO);

(c) CARF;

(d) The ~~((department))~~ agency; or

(e) Other agencies with review authority for the ~~((department's))~~ medicaid agency's programs.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2561 The ~~((department's))~~ agency's prior authorization requirements for acute PM&R services. (1) The ~~((department))~~ medicaid agency requires prior authorization for acute PM&R services. The acute PM&R provider of services must obtain prior authorization:

(a) Before admitting a client to the rehabilitation unit; and

(b) For an extension of stay before the client's current authorized period of stay expires.

(2) For an initial admit:

(a) A client must:

(i) Be eligible under one of the programs listed in WAC ~~((388-550-2524))~~ 182-550-2521, subject to the restrictions and limitations listed in that section;

(ii) Require acute PM&R services as determined in WAC ~~((388-550-2554))~~ 182-550-2551;

(iii) Be medically stable and show evidence of physical and cognitive readiness to participate in the rehabilitation program; and

(iv) Be willing and capable to participate at least three hours per day, seven days per week, in acute PM&R activities.

(b) The acute PM&R provider of services must:

(i) Submit a request for prior authorization to the ~~((department's))~~ agency's clinical consultation team by fax, electronic mail, or telephone as published in the ~~((department's))~~ agency's acute PM&R billing instructions; and

(ii) Include sufficient medical information to justify that:

(A) Acute PM&R treatment would effectively enable the client to obtain a greater degree of self-care ~~((and/))~~ or independence;

(B) The client's medical condition requires that intensive twenty-four-hour inpatient comprehensive acute PM&R services be provided in ~~((a department))~~ an agency-approved acute PM&R facility; and

(C) The client suffers from severe disabilities including, but not limited to, neurological ~~((and/))~~ or cognitive deficits.

(3) For an extension of stay:

(a) A client must meet the conditions listed in subsection (2)(a) of this section and have observable and significant improvement; and

(b) The acute PM&R provider of services must:

(i) Submit a request for the extension of stay to the ~~((department))~~ agency clinical consultation team by fax, electronic mail, or telephone as published in the ~~((department's))~~ agency's acute PM&R billing instructions; and

(ii) Include sufficient medical information to justify the extension and include documentation that the client's condition has observably and significantly improved.

(4) If the ~~((department))~~ agency denies the request for an extension of stay, the client must be transferred to an appropriate lower level of care as described in WAC ~~((388-550-2504))~~ 182-550-2501(3).

(5) The ~~((department's))~~ agency's clinical consultation team approves or denies authorization for acute PM&R services for initial stays or extensions of stay based on individual circumstances and the medical information received. The ~~((department))~~ agency notifies the client and the acute PM&R provider of a decision.

(a) If the ~~((department))~~ agency approves the request for authorization, the notification letter includes:

(i) The number of days requested;

(ii) The allowed dates of service;

(iii) ~~((A department))~~ An agency-assigned authorization number;

(iv) Applicable limitations to the authorized services; and

(v) The ~~((department's))~~ agency's process to request additional services.

(b) If the ~~((department))~~ agency denies the request for authorization, the notification letter includes:

- (i) The number of days requested;
- (ii) The reason for the denial;
- (iii) Alternative services available for the client; and
- (iv) The client's right to request a fair hearing. (See subsection (7) of this section.)

(6) A hospital or other facility intending to transfer a client to ~~((a department))~~ an agency-approved acute PM&R hospital(~~(, and/or a department))~~ or an agency-approved acute PM&R hospital requesting an extension of stay for a client(~~(s))~~) must:

(a) Discuss the ~~((department's))~~ agency's authorization decision with the client ~~((and/))~~ or the client's legal representative; and

(b) Document in the client's medical record that the ~~((department's))~~ agency's decision was discussed with the client ~~((and/))~~ or the client's legal representative.

(7) A client who does not agree with a decision regarding acute PM&R services has a right to a fair hearing under chapter ~~((388-02))~~ 182-526 WAC. After receiving a request for a fair hearing, the ~~((department))~~ agency may request additional information from the client and the facility, or both. After the ~~((department))~~ agency reviews the available information, the result may be:

(a) A reversal of the initial ~~((department))~~ agency decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted per chapter ~~((388-02))~~ 182-526 WAC.

(8) The ~~((department))~~ agency may authorize administrative ~~((day(s)))~~ days for a client who:

(a) Does not meet requirements described in subsection (3) of this section; or

(b) Is waiting for a discharge destination or a discharge plan.

(9) The ~~((department))~~ agency does not authorize acute PM&R services for a client who:

(a) Is deconditioned by a medical illness or by surgery; or

(b) Has loss of function primarily as a result of a psychiatric condition~~((s))~~; or

(c) Has had a recent surgery and has no complicating neurological deficits. Examples of surgeries that do not qualify a client for inpatient acute PM&R services without extenuating circumstances are:

(i) Single amputation;

(ii) Single extremity surgery; and

(iii) Spine surgery.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2565 The long-term acute care (LTAC) program—General. The long-term acute care (LTAC) program is a twenty-four-hour inpatient comprehensive program of integrated medical and rehabilitative services provided in a ~~((department))~~ medicaid agency-approved

LTAC hospital during the acute phase of a client's care. The ~~((department))~~ agency requires prior authorization for LTAC stays. See WAC ~~((388-550-2590))~~ 182-550-2590 for prior authorization requirements.

(1) A facility's multidisciplinary team coordinates individualized LTAC services at ~~((a department))~~ an agency-approved LTAC hospital.

(2) The ~~((department))~~ agency determines the authorized length of stay for LTAC services based on the client's need as documented in the client's medical records and the criteria described in WAC ~~((388-550-2590))~~ 182-550-2590.

(3) When the ~~((department))~~ agency-authorized length of stay ends, the provider transfers the client to a more appropriate level of care or, if appropriate, discharges the client to the client's residence.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2575 Client eligibility requirements for LTAC services. Only a client who is eligible for one of the following programs may receive LTAC services, subject to the restrictions and limitations in WAC ~~((388-550-2565, 388-550-2570, 388-550-2580, 388-550-2585, 388-550-2590, 388-550-2595, 388-550-2596))~~ 182-550-1050, 182-550-2565, 182-550-2580, 182-550-2585, 182-550-2590, 182-550-2595, 182-550-2596, and other rules:

(1) Categorically needy program (CNP);

(2) State children's health insurance program (SCHIP);

(3) Limited casualty program - Medically needy program (LCP-MNP);

(4) Alien emergency medical (AEM)(CNP); or

(5) Alien emergency medical (AEM)(LCP-MNP).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2580 Requirements for becoming an LTAC hospital. (1) To apply to become a ~~((department))~~ medicaid agency-approved long-term acute care (LTAC) hospital, the ~~((department))~~ agency requires a hospital to:

(a) Submit a letter of request to:

LTAC Program Manager

Division of Health Care Services

Health and Recovery Services Administration

P.O. Box 45506

Olympia WA 98504-5506; and

(b) Include in the letter required under (a) of this subsection, documentation that confirms the hospital is:

(i) Medicare-certified for LTAC;

(ii) Accredited by the joint commission on accreditation of health care organizations (JCAHO);

(iii) Licensed as an acute care hospital by the department of health (DOH) under chapter 246-320 WAC (if an in-state hospital), or by the state in which the hospital is located (if an out-of-state hospital); and

(iv) Enrolled with the ~~((department))~~ agency as a medic-aid participating provider.

(2) A hospital qualifies as ~~((a department))~~ an agency-approved LTAC hospital when:

(a) The hospital meets all the requirements in this section;

(b) The ~~((department's))~~ agency's clinical staff has conducted an on-site visit and recommended approval of the hospital's request for LTAC designation; and

(c) The ~~((department))~~ agency provides written notification to the hospital that it qualifies for payment when providing LTAC services to eligible ~~((medical assistance))~~ Washington apple health clients.

(3) ~~((Department))~~ Agency-approved LTAC hospitals must meet the general requirements in chapter ~~((388-502))~~ 182-502 WAC.

(4) The ~~((department))~~ agency may, in its sole discretion, approve a hospital located in Idaho or Oregon that is not in a designated bordering city as an LTAC hospital if:

(a) The hospital meets the requirements of this section; and

(b) The hospital provider signs a contract with the ~~((department))~~ agency agreeing to the payment rates established for LTAC services in accordance with WAC ~~((388-550-2595))~~ 182-550-2595.

(5) The ~~((department))~~ agency does not have any legal obligation to approve any hospital or other entity as an LTAC hospital.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2585 LTAC hospitals—Quality of care. (1) To ensure quality of care, the ~~((department))~~ medicaid agency may conduct post-pay or on-site reviews of any ~~((department))~~ agency-approved LTAC hospital. See chapter 182-502A WAC ~~((388-502-0240, Audits and the audit appeal process for contractors/providers,))~~ for additional information on audits conducted by ~~((department))~~ agency staff.

(2) A provider of LTAC services must act on any reports of substandard care or violations of the hospital's medical staff bylaws. The provider must have and follow written procedures that provide a resolution to either a complaint or grievance or both.

(3) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

(a) The department of health (DOH);

(b) The joint commission on accreditation of health care organizations (JCAHO);

(c) The ~~((department))~~ agency; or

(d) Other agencies with review authority for the ~~((department's))~~ agency's programs.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2590 ((Department)) Agency prior authorization requirements for Level 1 and Level 2 LTAC services. (1) The ~~((department))~~ medicaid agency requires prior authorization for Level 1 and Level 2 long term acute care (LTAC) inpatient stays. The prior authorization process includes all ~~((of))~~ the following:

(a) For an initial thirty-day stay:

(i) The client must:

(A) Be eligible under one of the programs listed in WAC ~~((388-550-2575))~~ 182-550-2575; and

(B) Require Level 1 or Level 2 LTAC services as defined in WAC ~~((388-550-2570))~~ 182-550-1050.

(ii) The LTAC provider of services must:

(A) Before admitting the client to the LTAC hospital, submit a request for prior authorization to the ~~((department))~~ agency by fax, electronic mail, or telephone, as published in the ~~((department's))~~ agency's LTAC billing instructions;

(B) Include sufficient medical information to justify the requested initial stay;

(C) Obtain prior authorization from the ~~((department's))~~ agency's medical director or designee, when accepting the client from the transferring hospital; and

(D) Meet all the requirements in WAC ~~((388-550-2580))~~ 182-550-2580.

(b) For any extension of stay, the criteria in (a) of this subsection must be met, and the LTAC provider of services must submit a request for the extension of stay to the ~~((department))~~ agency with sufficient medical justification.

(2) The ~~((department))~~ agency authorizes Level 1 or Level 2 LTAC services for initial stays or extensions of stay based on the client's circumstances and the medical justification received.

(3) A client who does not agree with a decision regarding a length of stay has a right to a fair hearing under chapter ~~((388-02))~~ 182-526 WAC. After receiving a request for a fair hearing, the ~~((department))~~ agency may request additional information from the client and the facility, or both. After the ~~((department))~~ agency reviews the available information, the result may be:

(a) A reversal of the initial ~~((department))~~ agency decision;

(b) Resolution of the client's issue(s); or

(c) A fair hearing conducted ~~((per chapter 388-02))~~ according to chapter 182-526 WAC.

(4) The ~~((department))~~ agency may authorize an administrative day rate payment for a client who meets one or more of the following. The client:

(a) Does not meet the requirements for Level 1 or Level 2 LTAC services;

(b) Is waiting for placement in another hospital or other facility; or

(c) If appropriate, is waiting to be discharged to the client's residence.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2595 Identification of and payment methodology for services and equipment included in the LTAC fixed per diem rate. (1) In addition to room and board, the LTAC fixed per diem rate includes, but is not limited to, the following (see the ~~((department's))~~ medicaid agency's LTAC billing instructions for applicable revenue codes):

(a) Room and board - Rehabilitation;

(b) Room and board - Intensive care;

(c) Pharmacy - Up to and including two hundred dollars per day in total allowed covered charges for any combination of pharmacy services that includes prescription drugs, total parenteral nutrition (TPN) therapy, IV infusion therapy, and ~~((or))~~ epogen ~~((/))~~ or neupogen therapy;

- (d) Medical/surgical supplies and devices;
- (e) Laboratory - General;
- (f) Laboratory - Chemistry;
- (g) Laboratory - Immunology;
- (h) Laboratory - Hematology;
- (i) Laboratory - Bacteriology and microbiology;
- (j) Laboratory - Urology;
- (k) Laboratory - Other laboratory services;
- (l) Respiratory services;
- (m) Physical therapy;
- (n) Occupational therapy; and
- (o) Speech-language therapy.

(2) The ~~((department))~~ agency pays the LTAC hospital for services covered by the LTAC fixed per diem rate by the rate in effect at the date of admission, minus the sum of:

(a) Client liability, whether or not collected by the provider; and

(b) Any amount of coverage from third parties, whether or not collected by the provider, including, but not limited to, coverage from:

- (i) Insurers and indemnitors;
- (ii) Other federal or state health care programs;
- (iii) Payments made to the provider on behalf of the client by individuals or organizations not liable for the client's financial obligations; and
- (iv) Any other contractual or legal entitlement of the client, including, but not limited to:
 - (A) Crime victims' compensation;
 - (B) Workers' compensation;
 - (C) Individual or group insurance;
 - (D) Court-ordered dependent support arrangements; and
 - (E) The tort liability of any third party.

(3) The ~~((department))~~ agency may make annual rate increases to the LTAC fixed per diem rate by using a vendor rate increase. The ~~((department))~~ agency may rebase the LTAC fixed per diem rate periodically.

(4) When the ~~((department))~~ agency establishes a special client service contract to complement the core provider agreement with an out-of-state LTAC hospital for services, the contract terms take precedence over any conflicting payment program policies set in WAC by the ~~((department))~~ agency.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2596 Services and equipment covered by the ~~((department))~~ agency but not included in the LTAC fixed per diem rate. (1) The ~~((department))~~ medicaid agency uses the ratio of costs-to-charges (RCC) payment method to pay an LTAC hospital for the following that are not included in the LTAC fixed per diem rate:

(a) Pharmacy - After the first two hundred dollars per day in total allowed covered charges for any combination of pharmacy services that includes prescription drugs, total par-

enteral nutrition (TPN) therapy, IV infusion therapy, and ~~((/ or))~~ epogen ~~((/))~~ or neupogen therapy;

- (b) Radiology services;
- (c) Nuclear medicine services;
- (d) Computerized tomographic (CT) scan;
- (e) Operating room services;
- (f) Anesthesia services;
- (g) Blood storage and processing;
- (h) Blood administration;
- (i) Other imaging services - Ultrasound;
- (j) Pulmonary function services;
- (k) Cardiology services;
- (l) Recovery room services;
- (m) EKG/ECG services;
- (n) Gastro-intestinal services;
- (o) Inpatient hemodialysis; and
- (p) Peripheral vascular laboratory services.

(2) The ~~((department))~~ agency uses the appropriate inpatient or outpatient payment method described in other published WAC to pay providers other than LTAC hospitals for services and equipment that are covered by the ~~((department))~~ agency but not included in the LTAC fixed per diem rate. The provider must bill the ~~((department))~~ agency directly and the ~~((department))~~ agency pays the provider directly.

(3) Transportation services that are related to transporting a client to and from another facility for the provision of outpatient medical services while the client is still an inpatient at the LTAC hospital, or related to transporting a client to another facility after discharge from the LTAC hospital:

- (a) Are not covered or reimbursed through the LTAC fixed per diem rate;
- (b) Are not payable directly to the LTAC hospital;
- (c) Are subject to the provisions in chapter ~~((388-546))~~ 182-546 WAC; and
- (d) Must be billed directly to the:

(i) ~~((Department))~~ Agency by the transportation company to be reimbursed if the client required ambulance transportation; or

(ii) ~~((Department's))~~ Agency's contracted transportation broker, subject to the prior authorization requirements and provisions described in chapter ~~((388-546))~~ 182-546 WAC, if the client:

- (A) Required nonemergency transportation; or
- (B) Did not have a medical condition that required transportation in a prone or supine position.

(4) The ~~((department))~~ agency evaluates requests for covered transportation services that are subject to limitations or other restrictions, and approves ~~((such))~~ the services beyond those limitations or restrictions under ~~((the provisions of WAC 388-501-0165 and 388-501-0169))~~ WAC 182-501-0165 and 182-501-0169.

(5) When the ~~((department))~~ agency established a special client service contract to complement the core provider agreement with an out-of-state LTAC hospital for services, the contract terms take precedence over any conflicting payment program policies set in WAC by the ~~((department))~~ agency.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2598 Critical access hospitals (CAHs).

(1) The following definitions and abbreviations and those found in ~~((WAC 388-500-0005 and 388-550-1050))~~ chapter 182-500 WAC and WAC 182-182-1050 apply to this section:

(a) "CAH(=)" see "critical access hospital."

(b) "Cost settlement" means a reconciliation of the fee-for-service interim CAH payments with a CAH's actual costs determined in conjunction with the use of the CAH's final settled medicare cost report (Form 2552-96) after the end of the CAH's HFY.

(c) "Critical access hospital (CAH)" means a hospital that is approved by the department of health (DOH) for inclusion in DOH's critical access hospital program.

~~((d))~~ ~~("Departmental weighted costs-to-charges (DWCC) rate" means a rate the department uses to determine a CAH payment. See subsection (5) of this section for how the department calculates a DWCC rate.~~

~~((e))~~ ~~"DWCC rate" see "departmental weighted costs-to-charges (DWCC) rate."~~

~~((f))~~ "HFY" see "Hospital fiscal year."

~~((g))~~ ~~(e)~~ "Hospital fiscal year" means each individual hospital's medicare cost report fiscal year.

~~((h))~~ ~~(f)~~ "Interim CAH payment" means the actual payment the ~~((department))~~ medicaid agency makes for claims submitted by a CAH for service provided during its current HFY, using the appropriate ~~((DWCC))~~ weighted costs-to-charges (WCC) rate, as determined by the ~~((department))~~ agency.

~~((i))~~ ~~(g)~~ "Revenue codes and procedure codes to cost centers crosswalk" means a document that indicates the revenue codes and procedure codes that are assigned by each hospital to a specific cost center in each hospital's medicare cost report.

~~((j))~~ ~~(h)~~ "Weighted costs-to-charges (WCC) rate" means a rate the agency uses to determine a CAH payment. See subsection (5) of this section for how the agency calculates a WCC rate.

~~((k))~~ ~~(i)~~ "WCC rate" see "weighted costs-to-charges rate."

(2) To be paid as a CAH by the ~~((department))~~ agency, a hospital must be approved by the department of health (DOH) for inclusion in DOH's critical access hospital program. The hospital must provide proof of CAH status to the ~~((department))~~ agency upon request. A CAH paid under the CAH program must meet the general applicable requirements in chapter ~~((388-502))~~ 182-502 WAC. For information on audits and the audit appeal process, see ~~((WAC 388-502-0240))~~ chapter 182-502A WAC.

(3) The ~~((department))~~ agency pays an eligible CAH for inpatient and outpatient hospital services provided to fee-for-service ~~((medical assistance))~~ Washington apple health clients on a cost basis (except when services are provided in a distinct psychiatric unit, a distinct rehabilitation unit, or detoxification unit), using ~~((departmental))~~ weighted costs-to-charges ((DWCC)) WCC rates and a retrospective cost settlement process. The ~~((department))~~ agency pays CAH fee-for-service claims subject to retrospective cost settlement, adjustments such as a third party payment amount, any client responsibility amount, etc.

(4) For inpatient and outpatient hospital services provided to clients enrolled in a managed care organization (MCO) plan, ~~((DWCC))~~ WCC rates for each CAH are incorporated into the calculations for the managed care capitated premiums. The ~~((department))~~ agency considers managed care health options and MHD designee ~~((DWCC))~~ WCC payment rates to be cost. Cost settlements are not performed by the ~~((department))~~ agency for managed care claims.

(5) The ~~((department))~~ agency prospectively calculates fee-for-service and managed care inpatient and outpatient ~~((DWCC))~~ WCC rates separately for each CAH.

~~((a))~~ ~~((Prior to the department's))~~ Before the agency's calculation of the prospective interim inpatient ~~((DWCC))~~ WCC and outpatient ~~((DWCC))~~ WCC rates for each hospital participating in the CAH program, the CAH must timely submit the following to the ~~((department))~~ agency:

(i) Within twenty working days of receiving the request from the ~~((department))~~ agency, the CAH's estimated aggregate charge master change for its next HFY;

(ii) At the time that the "as filed" version of the medicare cost report the CAH initially submits to the medicare fiscal intermediary for the cost settlement of its most recently completed HFY, a copy of that same medicare cost report;

(iii) At the same time that the "as filed" version of the medicare cost report the CAH has submitted to the medicare fiscal intermediary for cost settlement of its most recently completed HFY, the CAH's corresponding revenue codes and procedure codes to cost centers crosswalk that indicates the revenue codes and procedure codes that are assigned by each hospital to a specific cost center in the hospital's medicare cost report;

(iv) At the same time that the "as filed" version of the medicare cost report the CAH has submitted to the medicare fiscal intermediary for cost settlement of its most recently completed HFY, a document indicating any differences between the CAH's revenue codes and procedure codes to cost centers crosswalk and the standard revenue codes and procedure codes to cost centers crosswalk that the ~~((department))~~ agency provides to the CAH from the ~~((department's))~~ agency's CAH ~~((DWCC))~~ WCC rate calculation model. (For example, a CAH hospital might indicate when it submits its crosswalk to the ~~((department))~~ agency that a difference exists in the CAH's placement of statistics for the anesthesia revenue code normally identified to the anesthesia cost center in the ~~((department's))~~ agency's CAH ~~((DWCC))~~ WCC rate calculation model, but identified to the surgery cost center in the CAH's submitted medicare cost report.)

~~((b))~~ The ~~((department))~~ agency:

(i) Determines if differences between the CAH's crosswalk and the crosswalk in the CAH ~~((DWCC))~~ WCC rate calculation model will be allowed when the CAH timely submits the document identified in (a)(iii) and (a)(iv) of this subsection. If the CAH does not timely submit the document, the ~~((department))~~ agency may use the CAH ~~((DWCC))~~ WCC rate calculation model without considering the differences.

(ii) Does not allow unbundling or merging of the standard cost centers identified in the CAH ~~((DWCC))~~ WCC rate calculation model when the ~~((department))~~ agency calculates the ~~((DWCC))~~ WCC rates. This is a standard the ~~((department))~~ agency follows during the rate calculation process

even though the CAH hospital may have in contrast to the CAH ((~~DWCC~~)) WCC rate calculation model indicated multiple cost centers, or merged into fewer costs centers, when reporting in the medicare cost report. (For example, a CAH reports to the ((~~department~~)) agency that in the ((~~department's~~)) agency's standard radiology cost center grouping in the CAH ((~~DWCC~~)) WCC rate calculation model, the hospital has established three costs centers in the medicare cost report, which are radioisotopes, radiology therapeutic, and radiology diagnostic. During the rate calculation process, the ((~~department~~)) agency combines these three cost centers under the standard radiology cost center grouping. No unbundling of the standard cost center grouping is allowed.)

(c) The ((~~department~~)) agency:

(i) Obtains from its medicaid management information system (MMIS), the following fee-for-service summary claims data submitted by each CAH for services provided during the same HFY identified in (a)(ii) of this subsection:

(A) ((~~Medical assistance~~)) Washington apple health program codes;

(B) Inpatient and outpatient hospital claim types;

(C) Procedure codes (for outpatient hospital claims only), revenue codes, and diagnosis related group (DRG) codes (for inpatient claims only);

(D) Claim allowed charges, third party liability, client paid amounts, and ((~~department~~)) agency paid amounts; and

(E) Units of service.

(ii) Obtains Level III trauma payment data from the department of health (DOH).

(iii) Obtains the costs-to-charges ration (CCR) of each respective cost center from the "as filed" version of the medicare cost report identified in (a)(ii) of this subsection, supplemented by any crosswalk information as described in (a)(iii) and (a)(iv) of this subsection.

(iv) Obtains from the managed care encounter data the following data submitted by each CAH for services provided during the same HFY identified:

(A) ((~~Medical assistance~~)) Washington apple health program codes;

(B) Inpatient and outpatient hospital claim types;

(C) Procedure codes (for outpatient hospital claims only), revenue codes, and diagnosis related group (DGR) codes (for inpatient claims only); and

(D) Claim allowed charges.

(v) Separates the inpatient claims data and outpatient hospital claims data;

(vi) Obtains the cost center claim allowed charges by classifying inpatient and outpatient hospital claim allowed charges from (c)(i) and (c)(iv) of this subsection billed by a CAH (using any one of, or a combination of, procedure codes, revenue codes, or DRG codes) into the related cost center in the CAH's "as filed" medicare cost report the CAH initially submits to the ((~~department~~)) agency.

(vii) Uses the claims classifications and cost center combinations as defined in the ((~~department's~~)) agency's CAH ((~~DWCC~~)) WCC rate calculation model;

(viii) Assigns a CAH that does not have a cost center ratio that CAH's cost center average;

(ix) Allows changes only if a revenue codes and procedure codes to cost centers crosswalk has been timely submit-

ted (see (a)(iii), (a)(iv), and (b)(i) of this subsection) and a cost center average is being used;

(x) Does not allow an unbundling of cost centers (see (b)(ii) of this subsection);

(xi) Determines the ((~~departmental~~)) agency-weighted costs for each cost center by multiplying the cost center's claim allowed charges from (c)(i) and (c)(iv) of this subsection for the appropriate inpatient or outpatient claim type by the related service costs center ratio;

(xii) Sums all:

(A) Claim allowed charges from (c)(i) and (c)(iv) of this subsection separately for inpatient hospital claims.

(B) Claim allowed charges from (c)(i) and (c)(iv) of this subsection separately for outpatient hospital claims.

(xiii) Sums all:

(A) ((~~Departmental~~)) Agency-weighted costs from (c)(xi) of this subsection separately for inpatient hospital claims.

(B) ((~~Departmental~~)) Agency-weighted costs from (c)(xi) of this subsection separately for outpatient hospital claims.

(xiv) Multiplies each hospital's total ((~~departmental~~)) agency-weighted costs from (c)(xiii) of this subsection by the centers for medicare and medicaid services (CMS) medicare market basket inflation rate to update costs from the HFY to the rate setting period. The medicare market basket inflation rate is published and updated by CMS periodically;

(xv) Multiplies each hospital's total claim allowed charges from (c)(xii) of this subsection by the CAH estimated charge master change from (a)(i) of this subsection. If the charge master change factor is not submitted timely by the hospital (see (a)(i) of this subsection), the ((~~department~~)) agency will apply a reasonable alternative factor; and

(xvi) Determines:

(A) The inpatient ((~~DWCC~~)) WCC rates by dividing the calculation result from (c)(xiv) of this subsection by the calculation result from (c)(xv) of this subsection.

(B) The outpatient ((~~DWCC~~)) WCC rates by dividing the calculation result from (c)(xiv) of this subsection by the calculation result from (c)(xv) of this subsection.

(6) For a currently enrolled hospital provider that is new to the CAH program, the basis for calculating initial prospective ((~~DWCC~~)) WCC rates for inpatient and outpatient hospital claims for:

(a) Fee-for-service clients is:

(i) The hospital's most recent "as filed" medicare cost report; and

(ii) The appropriate MMIS summary claims data for that HFY.

(b) MCO clients is:

(i) The hospital's most recent "as filed" medicare cost report; and

(ii) The appropriate managed care encounter data for that HFY.

(7) For a newly licensed hospital that is also a CAH, the ((~~department~~)) agency uses the current statewide average ((~~DWCC~~)) WCC rates for the initial prospective ((~~DWCC~~)) WCC rates.

(8) For a CAH that comes under new ownership, the ((department)) agency uses the prior owner's ((DWCC)) WCC rates until:

(a) The new owner submits its first "as filed" medicare cost report to the medicare fiscal intermediary, and at the same time to the ((department)) agency, the documents identified in (5)(a)(i) through (a)(iv) of this section; and

(b) The ((department)) agency has calculated new ((DWCC)) WCC rates based on the new owner's "as filed" medicare cost report and other timely submitted documents.

(9) In addition to the prospective managed care inpatient and outpatient ((DWCC)) WCC rates, the ((department)) agency:

(a) Incorporates the ((DWCC)) WCC rates into the calculations for the ((department's)) agency's MCO capitated premium that will be paid to the MCO plan; and

(b) Requires all MCO plans having contract relationships with CAHs to pay inpatient and outpatient ((DWCC)) WCC rates applicable to managed care claims. For purposes of this section, the ((department)) agency considers the ((DWCC)) WCC rates used to pay CAHs for care given to clients enrolled in an MCO plan to be cost. Cost settlements are not performed for claims that are submitted to the MCO plans.

(10) For fee-for-service claims only, the ((department)) agency uses the same methodology as outlined in subsection (5) of this section to perform an interim retrospective cost settlement for each CAH after the end of the CAH's HFY, using "as filed" medicare cost report data from that HFY that is being cost settled, the other documents identified in subsection (5)(a)(i), (a)(iii) and (a)(iv) of this section, when data from the MMIS related to fee-for-service claims. Specifically, the ((department)) agency:

(a) Compares actual ((department)) agency total interim CAH payments to the ((departmental)) agency-weighted CAH fee-for-service costs for the period being cost settled. (Interim payments are the sum of third party liability/client payments, ((department)) agency claim payments, and Level III trauma payments); and

(b) Pays the hospital the difference between CAH costs and interim CAH payments if actual CAH costs are determined to exceed the total interim CAH payments for that period. The ((department)) agency recoups from the hospital the difference between CAH costs and interim CAH payments if actual CAH costs are determined to be less than total interim CAH payments.

(11) The ((department)) agency performs finalized cost settlements using the same methodology as outlined in subsection (10) of this section, except that the ((department)) agency uses the hospital's "final settled" medicare cost report instead of the initial "as filed" medicare cost report for the HFY being cost settled. The "final settled" medicare cost report received from the medicare fiscal intermediary must be submitted by the CAH to the ((department)) agency by the sixtieth day of the hospital's receipt of that medicare cost report.

(12) A CAH must have and follow written procedures that provide a resolution to complaints and grievances.

(13) To ensure quality of care:

(a) A CAH is responsible to investigate any reports of substandard care or violations of the hospital's medical staff bylaws; and

(b) A complaint or grievance regarding substandard conditions or care may be investigated by any one or more of the following:

(i) Department of health (DOH); or

(ii) Other agencies with review authority for ((department)) agency programs.

(14) The ((department)) agency pays detoxification units, distinct psychiatric units, and distinct rehabilitation units operated by CAH hospitals using inpatient payment methods other than ((DWCC)) WCC rates and cost settlement.

(a) For dates of admission before August 1, 2007, the ((department)) agency uses the RCW payment method to pay for services provided in detoxification units, distinct psychiatric units, and distinct rehabilitation units. The exception is for state-administered programs' psychiatric claims, which are paid using:

(i) The DRG payment method for claims grouped to stable DRG relative weights (unless the claim has an HIV-related diagnosis), and in conjunction with the base community psychiatric hospitalization payment method; or

(ii) The RCW payment method for other psychiatric claims (except for DRGs 469 and 470), in conjunction with the base community psychiatric hospitalization payment method.

(b) For dates of admission ((on and after August 1)) after July 31, 2007, the ((department)) agency uses the per diem payment method to pay for services provided in detoxification units, distinct psychiatric units, and distinct rehabilitation units.

(15) The ((department)) agency may conduct a post pay or on-site review of any CAH.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-2600 Inpatient psychiatric services.

(1) The ((department)) medicaid agency, on behalf of the mental health division (MHD), regional support networks (RSNs) and prepaid inpatient health plans (PIHPs), pays for covered inpatient psychiatric services for a voluntary or involuntary inpatient psychiatric admission of an eligible ((medical assistance)) Washington apple health client, subject to the limitation and restrictions in this section and other published rules.

(2) The following definitions and abbreviations and those found in WAC ((388-550-0005 and 388-550-1050)) 182-550-1050 apply to this section (where there is any discrepancy, this section prevails):

(a) "Authorization number" refers to a number that is required on a claim in order for a provider to be paid for providing psychiatric inpatient services to a ((medical assistance)) Washington apple health client. An authorization number:

(i) Is assigned when the certification process and prior authorization process has occurred;

(ii) Identifies a specific request for the provision of psychiatric inpatient services to a ~~((medical assistance))~~ Washington apple health client;

(iii) Verifies when prior or retrospective authorization has occurred;

(iv) Will not be rescinded once assigned; and

(v) Does not guarantee payment.

(b) "Certification" means a clinical determination by an MHD designee that a client's need for a voluntary or involuntary inpatient psychiatric admission, length of stay extension, or transfer has been reviewed and, based on the information provided, meets the requirements for medical necessity for inpatient psychiatric care. The certification process occurs concurrently with the prior authorization process.

(c) "IMD" See "institution for mental diseases."

(d) "Institution for mental diseases (IMD)" means a hospital, nursing facility, or other institution of more than sixteen beds that is primarily engaged in providing diagnosis, treatment, or care of ~~((persons))~~ people with mental diseases, including medical attention, nursing care, and related services. The MHD designates whether a facility meets the definition for an IMD.

(e) "Involuntary admission" refer to chapters 71.05 and 71.34 RCW.

(f) "Mental health division (MHD)" is the unit within the department of social and health services (DSHS) authorized to contract for and monitor delivery of mental health programs. MHD is also known as the state mental health authority.

(g) "Mental health division designee" or "MHD designee" means a professional contact person authorized by MHD, who operates under the direction of a regional support network (RSN) or a prepaid inpatient health plan (PIHP).

(h) "PIHP" see "prepaid inpatient health plan."

(i) "Prepaid inpatient health plan (PIHP)" see WAC 388-865-0300.

(j) "Prior authorization" means an administrative process by which hospital providers must obtain an MHD designee's for a client's inpatient psychiatric admission, length of stay extension, or transfer. The prior authorization process occurs concurrently with the certification process.

(k) "Regional support network (RSN)" see WAC 388-865-0200.

(l) "Retrospective authorization" means a process by which hospital providers and hospital unit providers must obtain an MHD designee's certification after services have been initiated for a ~~((medical assistance))~~ Washington apple health client. Retrospective authorization can be ~~((prior to))~~ before discharge or after discharge. This process is allowed only when circumstances beyond the control of the hospital or hospital unit provider prevented a prior authorization request, or when the client has been determined to be eligible for ~~((medical assistance))~~ Washington apple health after discharge.

(m) "RSN" see "regional support network."

(n) "Voluntary admission" refer to chapters 71.05 and 71.34 RCW.

(3) The following department of health (DOH)-licensed hospitals and hospital units are eligible to be paid for providing inpatient psychiatric services to eligible ~~((medical assis-~~

~~tance))~~ Washington apple health clients, subject to the limitations listed:

(a) Medicare-certified distinct part psychiatric units;

(b) State-designated pediatric psychiatric units;

(c) Hospitals that provide active psychiatric treatment outside of a medicare-certified or state-designated psychiatric unit, under the supervision of a physician according to WAC 246-322-170; and

(d) Free-standing psychiatric hospitals approved as an institution for mental diseases (IMD).

(4) An MHD designee has the authority to approve or deny a request for initial certification for a client's voluntary inpatient psychiatric admission and will respond to the hospital's or hospital unit's request for initial certification within two hours of the request. An MHD designee's certification and authorization, or a denial, will be provided within twelve hours of the request. Authorization must be requested ~~((prior to))~~ before admission. If the hospital chooses to admit the client without prior authorization due to staff shortages, the request for an initial certification must be submitted the same calendar day (which begins at midnight) as the admission. In this case, the hospital assumes the risk for denial as the MHD designee may or may not authorize the care for that day.

(5) To be paid for a voluntary inpatient psychiatric admission:

(a) The hospital provider or hospital unit provider must meet the applicable general conditions of payment criteria in WAC ~~((388-502-0100))~~ 182-502-0100; and

(b) The voluntary inpatient psychiatric admission must meet the following:

(i) For a client eligible for ~~((medical assistance))~~ Washington apple health, the admission to voluntary inpatient psychiatric care must:

(A) Be medically necessary as defined in WAC ~~((388-500-0005))~~ 182-500-0070;

(B) Be ordered by an agent of the hospital who has the clinical or administrative authority to approve an admission;

(C) Be prior authorized and meet certification and prior authorization requirements as defined in subsection (2) of this section. See subsection (8) of this section for a voluntary inpatient psychiatric admission that was not prior authorized and requires retrospective authorization by the client's MHD designee; and

(D) Be verified by receipt of a certification form dated and signed by an MHD designee (see subsection (2) of this section). The form must document at least the following:

(I) Ambulatory care resources available in the community do not meet the treatment needs of the client;

(II) Proper treatment of the client's psychiatric condition requires services on an inpatient basis under the direction of a physician (according to WAC 246-322-170);

(III) The inpatient services can reasonably be expected to improve the client's level of functioning or prevent further regression of functioning;

(IV) The client has been diagnosed as having an emotional or behavioral disorder, or both, as defined in the current edition of the Diagnostic and Statistical Manual of the American Psychiatric Association; and

(V) The client's principle diagnosis must be an MHD covered diagnosis.

(ii) For a client eligible for both medicare and a ~~((medical assistance))~~ Washington apple health program, the ~~((department))~~ agency pays secondary to medicare.

(iii) For a client eligible for both medicare and a ~~((medical assistance))~~ Washington apple health program and who has not exhausted medicare lifetime benefits, the hospital provider or hospital unit provider must notify the MHD designee of the client's admission if the dual eligibility status is known. The admission:

(A) Does not require prior authorization by an MHD designee; and

(B) Must be ~~((in accordance with))~~ under medicare standards.

(iv) For a client eligible for both medicare and a ~~((medical assistance))~~ Washington apple health program who has exhausted medicare lifetime benefits, the admission must have prior authorization by ~~((a))~~ an MHD designee.

(v) When a liable third party is identified (other than medicare) for a client eligible for a ~~((medical assistance))~~ Washington apple health program, the hospital provider or hospital unit provider must obtain ~~((a))~~ an MHD designee's authorization for the admission.

(6) To be paid for an involuntary inpatient psychiatric admission:

(a) The involuntary inpatient psychiatric admission must be ~~((in accordance with))~~ under the admission criteria specified in chapters 71.05 and 71.34 RCW; and

(b) The hospital provider or hospital unit provider:

(i) Must be certified by the MHD ~~((in accordance with))~~ under chapter 388-865 WAC;

(ii) Must meet the applicable general conditions of payment criteria in WAC ~~((388-502-0100))~~ 182-502-0100; and

(iii) When submitting a claim, must include a completed and signed copy of an Initial Certification Authorization form Admission to Inpatient Psychiatric Care form, or an Extension Certification Authorization for Continued Inpatient Psychiatric Care form.

(7) To be paid for providing continued inpatient psychiatric services to a ~~((medical assistance))~~ Washington apple health client who has already been admitted, the hospital provider or hospital unit provider must request from an MHD designee within the time frames specified, certification and authorization as defined in subsection (2) of this section for any of the following circumstances:

(a) If the client converts from involuntary (legal) status to voluntary status, or from voluntary to involuntary (legal) status as described in chapter 71.05 or 71.34 RCW, the hospital provider or hospital unit provider must notify the MHD designee within twenty-four hours of the change. Changes in legal status may result in issuance of a new certification and authorization. Any previously authorized days under the previous legal status that are past the date of the change in legal status are not billable;

(b) If an application is made for determination of a patient's ~~((medical assistance))~~ Washington apple health eligibility, the request for certification and prior authorization must be submitted within twenty-four hours of the application;

(c) If there is a change in the client's principal ICD9-CM diagnosis to an MHD covered diagnosis, the request for cer-

tification and prior authorization must be submitted within twenty-four hours of the change;

(d) If there is a request for a length of stay extension for the client, the request for certification and prior authorization must be submitted ~~((prior to))~~ before the end of the initial authorized days of services (see subsections (11) and (12) of this section for payment methodology and payment limitations); and

(e) If the client is to be transferred from one community hospital to another community hospital for continued inpatient psychiatric care, the request for certification and prior authorization must be submitted ~~((prior to))~~ before the transfer.

(f) If a client who has been authorized for inpatient care by the MHD designee has been discharged or left against medical advice prior to the expiration of previously authorized days, a hospital provider or hospital unit provider must notify the MHD designee within twenty-four hours of discharge. Any previously authorized days past the date the client was discharged or left the hospital are not billable.

(8) An MHD designee has the authority to approve or deny a request for retrospective certification for a client's voluntary inpatient psychiatric admission, length of stay extension, or transfer when the hospital provider or hospital unit provider did not notify the MHD designee within the notification time frames stated in this section. For a retrospective certification request ~~((prior to))~~ before discharge, the MHD designee responds to the hospital or hospital unit within two hours of the request, and provides certification and authorization or a denial within twelve hours of the request. For retrospective certification requests after the discharge, the hospital or hospital unit must submit all the required clinical information to the MHD designee within thirty days of discharge. The MHD designee provides a response within thirty days of the receipt of the required clinical documentation. All retrospective certifications must meet the requirements in this section. An authorization or denial is based on the client's condition and the services provided at the time of admission and over the course of the hospital stay, until the date of notification or discharge, as applicable.

(9) To be paid for a psychiatric inpatient admission of an eligible ~~((medical assistance))~~ Washington apple health client, the hospital provider or hospital unit provider must submit on the claim form the authorization (see subsection (2)(a) for definition of prior authorization and retrospective authorization).

(10) The ~~((department))~~ agency uses the payment methods described in WAC ~~((388-550-2650 through 388-550-5600))~~ 182-550-2650 through 182-550-5600, as appropriate, to pay a hospital and hospital unit for providing psychiatric services to ~~((medical assistance))~~ Washington apple health clients, unless otherwise specified in this section.

(11) Covered days for a voluntary psychiatric admission are determined by ~~((a))~~ an MHD designee utilizing MHD approved utilization review criteria.

(12) The number of initial days authorized for an involuntary psychiatric admission is limited to twenty days from date of detention. The hospital provider or hospital unit provider must submit the Extension Certification Authorization for Continued Inpatient Psychiatric Care form twenty-four

hours (~~(prior to)~~ before) the expiration of the previously authorized days. Extension requests may not be denied for a person detained under ITA unless a less restrictive alternative is identified by the MHD designee and approved by the court. Extension requests may not be denied for youths detained under ITA who have been referred to the children's long-term inpatient program unless a less restrictive alternative is identified by the MHD designee and approved by the court.

(13) The ~~((department))~~ agency pays the administrative day rate for any authorized days that meet the administrative day definition in WAC ~~((388-550-1050))~~ 182-550-1050, and when all ~~((of))~~ the following conditions are met:

- (a) The client's legal status is voluntary admission;
- (b) The client's condition is no longer medically necessary;
- (c) The client's condition no longer meets the intensity of service criteria;

(d) Less restrictive alternative treatments are not available, posing barrier to the client's safe discharge; and

(e) The hospital or hospital unit and the MHD designee mutually agree that the administrative day is appropriate.

(14) The hospital provider or hospital unit provider will use the MHD approved due process for conflict resolution regarding medical necessity determinations provided by the MHD designee.

(15) In order for an MHD designee to implement and participate in a ~~((medical assistance))~~ Washington apple health client's plan of care, the hospital provider or hospital unit provider must provide any clinical and cost of care information to the MHD designee upon request. This requirement applies to all ~~((medical assistance))~~ Washington apple health clients admitted for:

- (a) Voluntary inpatient psychiatric services; and
- (b) Involuntary inpatient psychiatric services, regardless of payment source.

(16) If the number of days billed exceeds the number of days authorized by the MHD designee for any claims paid, the ~~((department))~~ agency will recover any unauthorized days paid.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-3470 Payment method—Bariatric surgery—Per case rate. (1) The ~~((department))~~ medicaid agency:

(a) Pays for bariatric surgery provided in designated ~~((department))~~ agency-approved hospitals when all criteria established in WAC ~~((388-550-2301 and 388-550-3020))~~ 182-550-2301 are met;

(b) Requires qualification and prior authorization of the provider before bariatric surgery related services are provided (see WAC ~~((388-550-2304))~~ 182-550-2301); and

(c) Uses a per case rate to pay for bariatric surgery.

(2) For dates of admission before August 1, 2007, the ~~((department))~~ agency determines the per case rate by using a hospital-specific medicare fee schedule rate the ~~((department))~~ agency used to pay for bariatric surgery.

(3) For dates of admission ~~((on and after August 1))~~ after July 31, 2007, the ~~((department))~~ agency determines the per

case rate by using the bariatric per case rate calculation method described in this subsection and established by the ~~((department's))~~ agency's new inpatient payment system implemented on August 1, 2007.

(a) To adjust hospital-specific operating, capital, and direct medical education costs, the ~~((department))~~ agency:

(i) Inflates the hospital-specific operating, capital, and direct medical education routine costs from the hospital's medicare cost report fiscal year to the mid-point of the state fiscal year.

(ii) Divides the labor portion of the hospital-specific operating costs by the hospital-specific medicare wage index in effect for the medicare inpatient prospective payment system federal fiscal year that most closely matches the time period covered by the medicare cost report used for these calculations.

(b) To determine the statewide standardized weighted average cost per case by using the adjusted hospital-specific operating and capital costs derived in (a) of this subsection, the ~~((department))~~ agency:

(i) Adjusts the hospital-specific operating and capital costs to remove the indirect costs associated with approved medical education programs; then

(ii) Calculates the operating standardized amount by dividing statewide aggregate adjusted operating costs by the statewide aggregate number cases in the base year claims data; then

(iii) Calculates the capital standardized amount by dividing statewide aggregate adjusted capital costs by the statewide aggregate number of cases in the base year claims data.

(c) To make hospital-specific adjustments to the statewide operating and capital standardized amounts, the ~~((department))~~ agency:

(i) Defines the adjusted operating standardized amount for bariatric services as the average of all instate hospitals operating standardized amount after making adjustments for the wage index and the indirect medical education. The ~~((department))~~ agency:

(A) To determine the labor portion, uses the factor established by medicare multiplied by the statewide operating standardized amount, then multiplies the labor portion of the operating standardized amount by (1.0 plus the most currently available hospital-specific medicare wage index); then

(B) Adds the nonlabor portion of the operating standardized amount to the labor portion derived in (c)(i)(A) of this subsection; then

(C) Multiplies the amount derived in (c)(i)(B) of this subsection by 1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor to derive the operating standardized amount for bariatric services; then

(D) Adjusts the hospital-specific operating standardized amount for bariatric services for inflation based on the CMS PPS input price index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year.

(E) Calculates the statewide bariatric operating payment per case amount by:

(I) Totaling the hospital-specific amounts derived in (c)(i)(D) of this subsection for each hospital approved by the ((department)) agency to provide bariatric services; and

(II) Dividing the results in (E)(I) of this subsection by the number of in-state hospitals approved by the ((department)) agency to provide bariatric services.

(ii) Defines the adjusted capital standardized amount for bariatric services as the average of all in-state hospitals capital standardized amount after adjusting for the indirect medical education. The ((department)) agency:

(A) Multiplies the amount derived in (b)(iii) of this subsection by (1.0 plus the most currently available hospital-specific Medicare capital indirect medical education factor) to derive the adjusted indirect medical education capital standardized amount for bariatric services.

(B) Adjusts the hospital-specific capital standardized amount for bariatric services for inflation based on the CMS PPS input price index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year.

(C) Calculates the statewide bariatric capital payment per case amount by:

(I) Totaling the hospital-specific amounts derived in (c)(ii)(B) of this subsection for each hospital approved by the ((department)) agency to provide bariatric services; and

(II) Dividing the results derived in (C)(I) of this subsection by the number of in-state hospitals approved by the ((department)) agency to provide bariatric services.

(iii) Defines the direct medical education standardized amount for bariatric services as the in-state hospitals hospital-specific direct medical education weighted cost per case multiplied by the CMS PPS input price index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year. The ((department)) agency calculates the statewide bariatric direct medical education standardized payment per case by:

(A) Multiplying the hospital-specific direct medical education weighted cost per case for each hospital approved by the ((department)) agency to provide bariatric services by the CMS PPS input price index; then

(B) Totaling the hospital-specific amounts derived in (iii)(A) of this subsection for each hospital approved by the ((department)) agency to provide bariatric services.

(d) To determine hospital-specific bariatric payment per case amount, the ((department)) agency sums for each hospital the in-state statewide bariatric operating payment per case, the in-state statewide bariatric capital payment per case, and the hospital-specific direct medical education payment per case. (For critical border hospitals, the direct medical education payment per case is limited at the highest direct medical education payment per case amount for the in-state hospitals approved by the ((department)) agency to provide bariatric services.)

(e) The ((department)) agency adjusts the hospital-specific bariatric payment per case amount by a factor to achieve budget neutrality for the state's aggregate inpatient payments for all hospital inpatient services.

(f) The ((department)) agency may make other necessary adjustments as directed by the legislature ((+e-)) e.g., rate rebasing and other changes as directed by the legislature).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4200 Change in hospital ownership.

(1) For purposes of this section, a change in hospital ownership may involve one or more, but is not limited to, the following events:

- (a) A change in the composition of the partnership;
- (b) A sale of an unincorporated sole proprietorship;
- (c) The statutory merger or consolidation of two or more corporations;

(d) The leasing of all or part of a provider's facility if the leasing affects utilization, licensure, or certification of the provider entity;

(e) The transfer of a government-owned institution to a governmental entity or to a governmental corporation;

(f) Donation of all or part of a provider's facility to another entity if the donation affects licensure or certification of the provider entity;

(g) Disposition of all or some portion of a provider's facility or assets through sale, scrapping, involuntary conversion, demolition, or abandonment if the disposition affects licensure or certification of the provider entity; or

(h) A change in the provider's federal identification tax number.

(2) A hospital must notify the ((department)) medicaid agency in writing ninety days ((prior to)) before the date of an expected change in the hospital's ownership, but in no case later than thirty days after the change in ownership takes place.

(3) When a change in a hospital's ownership occurs, the ((department)) agency sets the new provider's cost-based conversion factor (CBCF), conversion factor, per diem rates, per case rate, at the same level as the prior owner's, except as provided in subsection (4) ((below)) of this section.

(4) The ((department)) agency sets for a hospital formed as a result of a merger:

(a) A blended CBCF, conversion factor, per diem rate, per case rate, based on the old hospitals' rates, proportionately weighted by admissions for the old hospitals; and

(b) An RCC rate determined by combining the old hospitals' cost reports and following the process described in WAC ((388-550-4500)) 182-550-4500. Partial year cost reports will not be used for this purpose.

(5) The ((department)) agency recaptures depreciation and acquisition costs as required by section 1861 (V)(1)(0) of the Social Security Act.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4550 Administrative day rate and swing bed day rate. (1) **Administrative day rate.** The ((department)) medicaid agency allows hospitals an all-inclusive administrative day rate for those days of hospital stay in which a client does not meet criteria for acute inpatient level of care, but is not discharged because an appropriate placement outside the hospital is not available.

(a) The ((department)) agency uses the annual statewide weighted average nursing facility Medicaid payment rate to

update the all-inclusive administrative day rate on November 1 of each year.

(b) The ~~((department))~~ agency does not pay for ancillary services provided during administrative days.

(c) The ~~((department))~~ agency identifies administrative days during the length of stay review process after the client's discharge from the hospital.

(d) The ~~((department))~~ agency pays the hospital the administrative day rate starting with the date of hospital admission if the admission is solely for a stay until an appropriate ~~((sub-acute))~~ subacute placement can be made.

(2) **Swing bed day rate.** The ~~((department))~~ agency allows hospitals a swing bed day rate for those days when a client is receiving ~~((department))~~ agency-approved nursing service level of care in a swing bed. The ~~((department's))~~ agency's aging and disability services administration (ADSA) determines the swing bed day rate.

(a) The ~~((department))~~ agency does not pay a hospital the rate applicable to the acute inpatient level of care for those days of a hospital stay when a client is receiving ~~((department))~~ agency-approved nursing service level of care in a swing bed.

(b) The ~~((department's))~~ agency's allowed amount for those ancillary services not covered under the swing bed day rate is based on the payment methods provided in WAC ~~((388-550-6000 and 388-550-7200))~~ 182-550-6000 and 182-550-7200. These ancillary services may be billed by the hospital on an outpatient hospital claim, except for pharmacy services and pharmaceuticals.

(c) The ~~((department))~~ agency allows pharmacy services and pharmaceuticals not covered under the swing bed day rate, that are provided to a client receiving ~~((department))~~ agency-approved nursing service level of care, to be billed directly by a pharmacy through the point of sale system. The ~~((department))~~ agency does not allow those pharmacy services and pharmaceuticals to be paid to the hospital through submission of a hospital outpatient claim.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4690 Authorization requirements and utilization review for hospitals eligible for CPE payments. This section does not apply to psychiatric certified public expenditure (CPE) inpatient hospital admissions. See WAC ~~((388-550-2600))~~ 182-550-2600.

(1) CPE inpatient hospital claims submitted to the ~~((department))~~ medicaid agency must meet all authorization and program requirements in WAC and current ~~((department))~~ agency-published issuances.

(2) The ~~((department))~~ agency performs utilization reviews of inpatient hospital:

(a) Admissions ~~((in accordance with))~~ under the requirements of 42 C.F.R. 456, subparts A through C; and

(b) Claims for compliance with medical necessity, appropriate level of care and the ~~((department's (or a department))~~ agency's (or an agency designee's) established length of stay (LOS) standards.

(3) For CPE inpatient admissions ~~((prior to))~~ before August 1, 2007, the ~~((department))~~ agency performs utilization reviews:

(a) Using the professional activity study (PAS) length of stay (LOS) standard in WAC ~~((388-550-4300))~~ 182-550-4300 on claims that qualified for ratio of costs-to-charges (RCC) payment ~~((prior to))~~ before July 1, 2005.

(b) On seven-day readmissions according to the diagnosis related group (DRG) payment method described in WAC ~~((388-550-3000 (5)(f)))~~ 182-550-3000 for claims that qualified for DRG payment ~~((prior to))~~ before July 1, 2005.

(4) For claims identified in this subsection, the ~~((department))~~ agency may request a copy of the client's hospital medical records and itemized billing statements. The ~~((department))~~ agency sends written notification to the hospital detailing the ~~((department's))~~ agency's findings. Any day of a client's hospital stay that exceeds the LOS standard:

(a) Is paid under a ~~((nonDRG))~~ non-DRG payment method if the ~~((department))~~ agency determines it to be medically necessary for the client at the acute level of care;

(b) Is paid as an administrative day (see WAC ~~((388-550-1050 and 388-550-4500))~~ 182-550-1050 and 182-550-4500(8)) if the ~~((department))~~ agency determines it to be medically necessary for the client at the subacute level of care; and

(c) Is not eligible for payment if the ~~((department))~~ agency determines it was not medically necessary.

(5) For CPE inpatient admissions ~~((on and after August 1))~~ after July 31, 2007, CPE hospital claims are subject to the same utilization review rules as ~~((nonCPE))~~ non-CPE hospital claims.

(a) LOS reviews may be performed under WAC ~~((388-550-4300))~~ 182-550-4300.

(b) All claims are subject to the ~~((department's))~~ agency's medical necessity review under WAC ~~((388-550-1700))~~ 182-550-1700(2).

(c) For inpatient hospital claims that involve a client's seven-day readmission, see WAC ~~((388-550-3000 (5)(f)))~~ 182-550-3000.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4700 Payment—Non-SCA participating hospitals. This section applies only for dates of admission before July 1, 2007. The hospital selective contracting program ends on June 30, 2007.

(1) In a selective contracting area (SCA), ~~((MAA))~~ the medicaid agency pays any qualified hospital for inpatient hospital services provided to an eligible medical care client for treatment of an emergency medical condition.

(2) ~~((MAA))~~ The agency pays any qualified hospital for medically necessary but nonemergent inpatient hospital services provided to an eligible medical care client deemed by the ~~((department))~~ agency to reside an excessive travel distance from a contracting hospital.

(a) The client is deemed to have an excessive travel burden if the travel distance from a client's residence to the nearest contracting hospital exceeds the client's county travel distance standard, as follows:

County	Community Travel Distance Standard
Adams	25 miles
Asotin	15 miles
Benton	15 miles
Chelan	15 miles
Clallam	20 miles
Clark	15 miles
Columbia	19 miles
Cowlitz	15 miles
Douglas	20 miles
Ferry	27 miles
Franklin	15 miles
Garfield	30 miles
Grant	24 miles
Grays Harbor	23 miles
Island	15 miles
Jefferson	15 miles
King	15 miles
Kitsap	15 miles
Kittitas	18 miles
Klickitat	15 miles
Lewis	15 miles
Lincoln	31 miles
Mason	15 miles
Okanogan	29 miles
Pacific	21 miles
Pend Oreille	25 miles
Pierce	15 miles
San Juan	34 miles
Skagit	15 miles
Skamania	40 miles
Snohomish	15 miles
Spokane	15 miles
Stevens	22 miles
Thurston	15 miles
Wahkiakum	32 miles
Walla Walla	15 miles
Whatcom	15 miles
Whitman	20 miles
Yakima	15 miles

(b) If a client must travel outside his~~(s)~~ or her SCA to obtain inpatient services not available within the community, such as treatment from a tertiary hospital, the client may obtain ~~((such))~~ the services from a contracting hospital appropriate to the client's condition.

(3) ~~((MAA))~~ The agency requires prior authorization for all nonemergent admissions to nonparticipating hospitals in an SCA. See WAC ~~((388-550-1700-2)(a))~~ 182-550-1700.

(4) ~~((MAA))~~ The agency pays a licensed hospital all applicable medicare deductible and coinsurance amounts for inpatient services provided to medicaid clients who are also beneficiaries of medicare Part A subject to the medicaid maximum allowable as established in WAC ~~((388-550-1200))~~ 182-550-1200 (8)(a).

(5) ~~The ((department))~~ agency pays any licensed hospital DRG-exempt services as listed in WAC ~~((388-550-4400))~~ 182-550-4400.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4925 Eligibility for DSH programs—New hospital providers. To be eligible for disproportionate share hospital (DSH) payments, a new hospital provider must have claims data, audited financial statements, and an "as filed" or finalized medicare cost report for the hospital base year used by the ~~((department))~~ medicaid agency in calculating DSH payments for the state fiscal year (SFY) for which the hospital provider is applying. See WAC ~~((388-550-4900))~~ 182-550-4900(9).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-4935 DSH eligibility—Change in hospital ownership. (1) For purposes of eligibility for disproportionate share hospital (DSH) payments, a change in hospital ownership has occurred if any of the criteria in WAC ~~((388-550-4200))~~ 182-550-4200(1) is met.

(2) To be considered eligible for DSH, a hospital whose ownership has changed must notify the ~~((department))~~ medicaid agency in writing no later than thirty days after the change in ownership becomes final. The notice must include the new entity's fiscal year end.

(3) A hospital that did not offer nonemergency obstetric services to the general public as of December 22, 1987, when section 1923 of the Social Security Act was enacted, and changes ownership after that date is not eligible for DSH unless it continues to be classified as an acute care hospital serving pediatric and/or adult patients. See WAC ~~((388-550-4900))~~ 182-550-4900(5) for the obstetric services and utilization rate requirements for DSH eligibility.

(4) If the fiscal year reported on a hospital's medicare cost report does not exactly match the fiscal year reported on the hospital's DSH application to the ~~((department))~~ agency, and if therefore the utilization data reported to the ~~((department))~~ agency do not agree, the ~~((department))~~ agency will use as the data source the document that gives the higher number of total inpatient hospital days for purposes of calculating the hospital's medicaid inpatient utilization rate (MIPUR). See WAC ~~((388-550-4900))~~ 182-550-4900 (6)(b).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5000 Payment method—Low income disproportionate share hospital (LIDSH). (1) The ~~((department))~~ medicaid agency makes low income disproportionate share hospital (LIDSH) payments to qualifying hospitals through the disproportionate share hospital (DSH) program.

(2) To qualify for an LIDSH payment, a hospital must:

(a) Not be a hospital eligible for public disproportionate share (PHDSH) payments (see WAC ~~((388-550-5400))~~ 182-550-5400);

(b) Not be designated as an "institution for mental diseases (IMD)" as defined in WAC ~~((388-550-2600))~~ 182-550-2600 (2)(d);

(c) Meet the criteria in WAC ~~((388-550-4900))~~ 182-550-4900 (4) and (5);

(d) Be an in-state hospital. A hospital located out-of-state or in a designated bordering city is not eligible to receive LIDSH payments; and

(e) Meet at least one of the following requirements. The hospital must:

(i) Have a medicaid inpatient utilization rate (MIPUR) as defined in WAC ~~((388-550-4900))~~ 182-550-4900 (3)(h) at least one standard deviation above the mean medicaid inpatient utilization rate of in-state hospitals that receive medicaid payments; or

(ii) Have a low income utilization rate (LIUR) as defined in WAC ~~((388-550-4900))~~ 182-550-4900 (3)(g) that exceeds twenty-five percent.

(3) The ~~((department))~~ agency pays hospitals qualifying for LIDSH payments from a legislatively appropriated pool. The maximum amount of LIDSH payments in any state fiscal year (SFY) is the funding set by the state's appropriations act for LIDSH. The amount that the state appropriates for LIDSH may vary from year to year.

(4) The ~~((department))~~ agency determines LIDSH payments to each LIDSH eligible hospital using the following factors from the specific hospital's base year as defined in WAC ~~((388-550-4900))~~ 182-550-4900 (3)(a):

(a) The hospital's medicaid inpatient utilization rate (MIPUR) (see WAC ~~((388-550-4900))~~ 182-550-4900 for how the ~~((department))~~ agency calculates the MIPUR).

(b) The hospital's medicaid case mix index (CMI). The ~~((department))~~ agency calculates the CMI by:

(i) Using the DRG weight for each of the hospital's paid inpatient claims assigned in the year the claim was paid;

(ii) Summing the DRG weights; and

(iii) Dividing this total by the number of claims.

The CMI the ~~((department))~~ agency uses for LIDSH calculations is not the same as the CMI the ~~((department))~~ agency uses in other hospital rate calculations.

(c) The number of the hospital's Title XIX medicaid discharges. The ~~((department))~~ agency includes in this number only the discharges pertaining to Washington state medicaid clients.

(5) The ~~((department))~~ agency calculates the LIDSH payment to an eligible hospital as follows.

(a) The ~~((department))~~ agency:

(i) Divides the hospital's MIPUR by the average MIPUR of all LIDSH-eligible hospitals; then

(ii) Multiplies the result derived in (a) of this section by the CMI (see (4)(b) of this section), and then by the discharges (see (4)(c) of this section); then

(iii) Converts the product to a percentage of the sum of all such products for individual hospitals; and

(iv) Multiplies this percentage by the legislatively appropriated amount for LIDSH.

(b) If a hospital's calculated LIDSH payment is ~~((greater))~~ more than the hospital-specific DSH cap, the payment to the hospital is limited to the hospital-specific DSH cap, and the ~~((department))~~ agency:

(i) Subtracts the LIDSH payment calculated for the hospital to determine the remaining LIDSH appropriation to distribute to the other qualifying hospitals; and

(ii) Proportionately distributes the remaining LIDSH appropriation ~~((in accordance with))~~ under the factors in (a) of this subsection.

(6) A hospital receiving LIDSH payments must comply with ~~((a department))~~ an agency request for uninsured logs (uninsured logs are documentation of payments, charges, and other information for uninsured patients) to verify its hospital-specific DSH cap.

(7) The ~~((department))~~ agency will not make changes in the LIDSH payment distribution after the applicable SFY has ended. The ~~((department))~~ agency recalculates the LIDSH payment distribution only when the applicable SFY has not yet ended at the time the alleged need for an LIDSH adjustment is identified, and if the ~~((department))~~ agency considers the recalculation necessary and appropriate under its regulations.

(8) Consistent with the provisions of subsection (7) of this section, the ~~((department))~~ agency applies any adjustments to the DSH payment distribution required by legislative, administrative, or other state action, to other DSH programs ~~((in accordance with the provisions of WAC 388-550-4900))~~ under WAC 182-550-4900 (13) through (16).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5130 Payment method—Institution for mental diseases disproportionate share hospital (IMDDSH) and institution for mental diseases (IMD) state grants. (1) A psychiatric hospital owned and operated by the state of Washington is eligible to receive payments under the institution for mental diseases disproportionate share hospital (IMDDSH) program.

(2) For the purposes of the IMDDSH program, the following definitions apply:

(a) "Institution for mental diseases (IMD)" means a hospital, nursing facility, or other institution of more than sixteen beds, that is primarily engaged in providing diagnosis, treatment, or care of ~~((persons))~~ people with mental diseases, including medical attention, nursing care, and related services.

(b) "Psychiatric community hospital" means a psychiatric hospital other than a state-owned and operated hospital.

(c) "Psychiatric hospital" means an institution which is primarily engaged in providing psychiatric services for the diagnosis and treatment of mentally ill ~~((persons))~~ people.

The term applies to a medicare-certified distinct psychiatric care unit, a medicare-certified psychiatric hospital, or a state-designated pediatric distinct psychiatric unit in a medicare-certified acute care hospital.

(d) "State-owned and operated psychiatric hospital" means eastern state hospital and western state hospital.

(3) Except as provided in subsection (4) of this section, a psychiatric community hospital, regardless of location, is not eligible to receive:

(a) IMDDSH payments; or

(b) Any other disproportionate share hospital (DSH) payment from the ((department)) medicaid agency. See WAC ((388-550-4800)) 182-550-4800 regarding payment for psychiatric claims for clients eligible under the medical care services programs.

(4) A psychiatric community hospital within the state of Washington that is designated by the ((department)) agency as an IMD is eligible to receive IMDDSH payment if:

(a) IMDDSH funds remain available after the amounts appropriated for state-owned and operated psychiatric hospitals are exhausted; and

(b) The legislature provides funds specifically for this purpose.

(5) A psychiatric community hospital within the state of Washington that is designated by the ((department)) agency as an IMD is eligible to receive a state grant amount from the ((department)) agency if the legislature appropriates funds specifically for this purpose.

(6) An institution for mental diseases located out-of-state, including an IMD located in a designated bordering city, is not eligible to receive a Washington state grant amount.

(7) Under federal law, 42 U.S.C. 1396r-4 (h)(2), the state's annual IMDDSH expenditures are capped at thirty-three percent of the state's annual statewide DSH cap. This amount represents the maximum that the state can spend in any given fiscal year on IMDDSH, but the state is under no obligation to actually spend that amount.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5200 Payment method—Small rural disproportionate share hospital (SRDSH). (1) The ((department)) medicaid agency makes small rural disproportionate share hospital (SRDSH) payments to qualifying small rural hospitals through the disproportionate share hospital (DSH) program.

(2) To qualify for an SRDSH payment, a hospital must:

(a) Not be participating in the "full cost" public hospital certified public expenditure (CPE) payment program as described in WAC ((388-550-4650)) 182-550-4650;

(b) Not be designated as an "institution for mental diseases (IMD)" as defined in WAC ((388-550-2600)) 182-550-2600 (2)(d);

(c) Meet the criteria in WAC ((388-550-4900)) 182-550-4900 (4) and (5);

(d) Have fewer than seventy-five acute beds;

(e) Be an in-state hospital. A hospital located out-of-state or in a designated bordering city is not eligible to receive SRDSH payments; and

(f) Be located in a city or town with a nonstudent population of no more than seventeen thousand eight hundred six in calendar year 2008, as determined by population data reported by the Washington state office of financial management population of cities, towns, and counties used for the allocation of state revenues. This nonstudent population is used for state fiscal year (SFY) 2010, which began July 1, 2009. For each subsequent SFY, the nonstudent population is increased by two percent.

(3) The ((department)) agency pays hospitals qualifying for SRDSH payments from a legislatively appropriated pool. The ((department)) agency determines each hospital's individual SRDSH payment from the total dollars in the pool using percentages established as follows:

(a) At the time the SRDSH payment is to be made, the ((department)) agency calculates each hospital's profitability margin based on the hospital's base year data and audited financial statements.

(b) The ((department)) agency determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) The ((department)) agency:

(i) Identifies the medicaid payment amounts made by the ((department)) agency to the individual hospital during the SFY two years ((prior to)) before the current SFY for which DSH application is being made. These medicaid payment amounts are based on historical data considered to be complete; then

(ii) Multiplies the total medicaid payment amount determined in subsection (i) by the individual hospital's assigned profit factor (1.1 or 1.0) to identify a revised medicaid payment amount; and

(iii) Divides the revised medicaid payment amount for the individual hospital by the sum of the revised medicaid payment amounts for all qualifying hospitals during the same period.

(4) The ((department's)) agency's SRDSH payments to a hospital may not exceed one hundred percent of the projected cost of care for medicaid clients and uninsured patients for that hospital unless an exception is required by federal statute or regulation.

(5) The ((department)) agency reallocates dollars as defined in the state plan.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5210 Payment method—Small rural indigent assistance disproportionate share hospital (SRIADSH). (1) The ((department)) medicaid agency makes small rural indigent assistance disproportionate share hospital (SRIADSH) program payments to qualifying small rural hospitals through the disproportionate share hospital (DSH) program.

(2) To qualify for an SRIADSH payment, a hospital must:

(a) Not be participating in the "full cost" public hospital certified public expenditure (CPE) payment program as described in WAC (~~(388-550-4650)~~) 182-550-4650;

(b) Not be designated as an "institution for mental diseases (IMD)" as defined in WAC (~~(388-550-2600)~~) 182-550-2600 (2)(d);

(c) Meet the criteria in WAC (~~(388-550-4900)~~) 182-550-4900 (4) and (5);

(d) Have fewer than seventy-five acute beds;

(e) Be an in-state hospital that provided charity services to clients during the base year. A hospital located out-of-state or in a designated bordering city is not eligible to receive SRIADSH payments; and

(f) Be located in a city or town with a nonstudent population of no more than seventeen thousand eight hundred six in calendar year 2008, as determined by the Washington State office of financial management population of cities, towns, and counties used for the allocation of state revenues. This nonstudent population is used for SFY 2010, which begins July 1, 2009. For each subsequent SFY, the nonstudent population ceiling is increased by two percent.

(3) The ~~((department))~~ agency pays hospitals qualifying for SRIADSH payments from a legislatively appropriated pool. The ~~((department))~~ agency determines each hospital's individual SRIADSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the SRIADSH payment is to be made, the ~~((department))~~ agency calculates each hospital's profitability margin based on the hospital's base year data and audited financial statements.

(b) The ~~((department))~~ agency determines the average profitability margin for all hospitals qualifying for SRIADSH.

(c) Any qualifying hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other qualifying hospitals receive a profit factor of 1.0.

(d) The ~~((department))~~ agency:

(i) Identifies from historical data considered to be complete, each individual qualifying hospital's allowed charity charges; then

(ii) Multiplies the total allowed charity charges by the hospital's ratio of costs-to-charges (RCC), limiting the RCC to a value of 1, to determine the hospital's charity costs; then

(iii) Multiplies the hospital's charity costs by the hospital's profit factor assigned in (c) of this subsection to identify a revised cost amount; then

(iv) Determines the hospital's percentage of revised costs by dividing its revised cost amount by the sum of the revised charity cost amounts for all qualifying hospitals during the same period.

(4) The ~~((department's))~~ agency's SRIADSH payments to a hospital may not exceed one hundred percent of the projected cost of care for medicaid clients and uninsured indigent patients for that hospital unless an exception is required by federal statute or regulation. The ~~((department))~~ agency reallocates dollars as defined in the state plan.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5220 Payment method—Nonrural indigent assistance disproportionate share hospital (NRIADSH). (1) The ~~((department))~~ medicaid agency makes nonrural indigent assistance disproportionate share hospital (NRIADSH) payments to qualifying nonrural hospitals through the disproportionate share hospital (DSH) program.

(2) To qualify for an NRIADSH payment, a hospital must:

(a) Not be participating in the "full cost" public hospital certified public expenditure (CPE) payment program as described in WAC (~~(388-550-4650)~~) 182-550-4650;

(b) Not be designated as an "institution of mental diseases (IMD)" as defined in WAC (~~(388-550-2600)~~) 182-550-2600 (2)(d);

(c) Meet the criteria in WAC (~~(388-550-4900)~~) 182-550-4900 (4) and (5);

(d) Be a hospital that does not qualify as a small rural hospital as defined in WAC (~~(388-550-4900)~~) 182-550-4900 (3)(n); and

(e) Be an in-state or designated bordering city hospital that provided charity services to clients during the base year. For DSH purposes, the ~~((department))~~ agency considers as nonrural any hospital located in a designated bordering city.

(3) The ~~((department))~~ agency pays hospitals qualifying for NRIADSH payments from a legislatively appropriated pool. The ~~((department))~~ agency determines each hospital's individual NRIADSH payment from the total dollars in the pool using percentages established through the following prospective payment method:

(a) At the time the NRIADSH payment is to be made, the ~~((department))~~ agency calculates each hospital's profitability margin based on the hospital's base year data and audited financial statements.

(b) The ~~((department))~~ agency determines the average profitability margin for the qualifying hospitals.

(c) Any hospital with a profitability margin of less than one hundred ten percent of the average profitability margin for qualifying hospitals receives a profit factor of 1.1. All other hospitals receive a profit factor of 1.0.

(d) The ~~((department))~~ agency:

(i) Identifies from historical data considered to be complete, each individual qualifying hospital's allowed charity charges; then

(ii) Multiplies the total allowed charity charges by the hospital's ratio of costs-to-charges (RCC), limiting the RCC to a value of 1, to determine the hospital's charity costs; then

(iii) Multiplies the hospital's charity costs by the hospital's profit factor assigned in (c) of this subsection to identify a revised cost amount; then

(iv) Determines the hospital's percentage of the NRIADSH revised costs by dividing the hospital's revised cost amount by the total revised charity costs for all qualifying hospitals during the same period.

(4) The ~~((department's))~~ agency's NRIADSH payments to a hospital may not exceed one hundred percent of the projected cost of care for medicaid clients and uninsured indigent patients for the hospital unless an exception is required

by federal statute or regulation. The ~~((department))~~ agency reallocates dollars as defined in the state plan.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5410 CPE medicaid cost report and settlements. (1) For patients discharged ~~((on or after July 1))~~ after June 30, 2005, a certified public expenditure (CPE) hospital must annually submit to the ~~((department))~~ medicaid agency federally required medicaid cost report schedules, using schedules approved by the centers for medicare and medicaid services (CMS), that apportion inpatient and outpatient costs to medicaid clients and uninsured patients for the service year, as follows:

(a) Title XIX fee-for-service claims;

(b) Medicaid managed care organization (MCO) plan claims;

(c) Uninsured patients. The cost report schedules for uninsured patients must not include services that medicaid would not have covered had the patients been medicaid eligible (see WAC ~~((388-550-1400 and 388-550-1500))~~ 182-550-1400 and 182-550-1500); and

(d) State-administered program patients. State-administered program patients are reported separately and are not to be included on the uninsured patient cost report schedule. The ~~((department))~~ agency will provide provider statistics and reimbursements (PS&R) reports for the state-administered program claims.

(2) A CPE hospital must:

(a) Use the information on individualized PS&R reports provided by the ~~((department))~~ agency when completing the medicaid cost report schedules. The ~~((department))~~ agency provides the hospital with the PS&R reports at least thirty calendar days ~~((prior to))~~ before the appropriate deadline.

(i) For state fiscal year (SFY) 2006, the deadline for all CPE hospitals to submit the federally required medicaid cost report schedules is June 30, 2007.

(ii) For hospitals with a December 31 year end, partial year medicaid cost report schedules for the period July 1, 2005 through December 31, 2005 must be submitted to the ~~((department))~~ agency by August 31, 2007.

(iii) For SFY 2007 and thereafter, each CPE hospital ~~((is required to))~~ must submit the medicaid cost report schedules to the ~~((department))~~ agency within thirty calendar days after the medicare cost report is due to its medicare fiscal intermediary or medicare administrative contractor, whichever ~~((is applicable))~~ applies.

(b) Complete the cost report schedules for uninsured patients and medicaid clients enrolled in an MCO plan using the hospital provider's records.

(c) Comply with the ~~((department's))~~ agency's instructions regarding how to complete the required medicaid cost report schedules.

(3) The medicaid cost report schedules must be completed using the medicare cost report for the same reporting year.

(a) The ratios of costs-to-charges and per diem costs from the "as filed" medicare cost report are used to allocate

the medicaid and uninsured costs on the "as filed" medicaid cost report schedules, unless expressly allowed for medicaid.

(b) After the medicare cost report is finalized by the medicare fiscal intermediary or medicare administrative contractor (whichever ~~((is applicable))~~ applies), final medicaid cost report schedules must be submitted to the ~~((department))~~ agency incorporating the adjustments to the medicare cost report, unless expressly allowed for medicaid. CPE hospitals must submit finalized medicare cost reports with the notice of amount of program reimbursement (NPR) within thirty calendar days of receipt. The ~~((department))~~ agency will then provide the hospitals with updated PS&R reports for medicaid and state program claims processed by the ~~((department))~~ agency for the medicaid cost report period. The hospitals will update the data for uninsured patients and medicaid clients enrolled in an MCO plan.

(4) The medicaid cost report schedules and supporting documentation are subject to audit by the ~~((department))~~ agency or its designee to verify that claimed costs qualify under federal and state rules governing the CPE payment program. The documentation required includes, but is not limited to:

(a) The revenue codes assigned to specific cost centers on the medicaid cost report schedules.

(b) The inpatient charges by revenue codes for uninsured patients and medicaid clients enrolled in an MCO plan.

(c) The outpatient charges by revenue codes for uninsured patients and medicaid clients enrolled in an MCO plan.

(d) All payments received for the inpatient and outpatient charges in (b) and (c) of this subsection including, but not limited to, payments for third party liability, uninsured patients, and medicaid clients enrolled in an MCO plan.

(5) The ~~((department))~~ agency:

(a) Performs cost settlements for both the "as filed" and "final" medicaid cost report schedules for all CPE hospitals;

(b) Reports to CMS as an adjustment any difference between the payments of federal funds made to the CPE hospitals and the federal share of the certified public expenditures; and

(c) Recoups from the CPE hospitals the federal payments that exceed the hospitals' costs, unless the hold harmless provision in WAC ~~((388-550-4670 is applicable))~~ 182-550-4670 applies.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5425 Upper payment limit (UPL) payments for inpatient hospital services. ~~((+))~~ The upper payment limit (UPL) program is terminated effective July 1, 2007. The ~~((department))~~ medicaid agency will not make UPL payments after June 30, 2007.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5500 Payment—Hospital-based RHCs. (1) The ~~((department shall))~~ medicaid agency will reimburse hospital-based rural health clinics under the prospective payment methods effective July 1, 1994. Under the prospective payment method, the ~~((department shall))~~ agency

will not make reconciliation payments to a hospital-based rural health clinic to cover its costs for a preceding period.

(2) The ~~((department shall))~~ agency will shall pay an amount equal to the hospital-based rural health clinic's charge multiplied by the hospital's specific ratio of costs to charges (RCC), not to exceed one hundred percent of the charges.

(3) The ~~((department shall))~~ agency will shall determine the hospital-based rural health clinic's RCC from the hospital's annual medicare cost report, ~~((pursuant to WAC 388-550-4500))~~ according to WAC 182-550-4500(1).

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5550 Public notice for changes in medicaid payment rates for hospital services. (1) The purpose and intent of this section is to describe ~~((the manner in which the department))~~ how the medicaid agency, pertaining to medicaid hospital rates, will comply with section 4711(a) of the federal Balanced Budget Act of 1997, Public Law 105-33, as codified at 42 U.S.C. 1396a (a)(13)(A).

(2) For purposes of this section, the term:

(a) "Stakeholders" means providers, beneficiaries, representatives of beneficiaries, and other concerned state residents.

(b) "Rate" means the medicaid payment amount to a provider for a particular hospital service, except for disproportionate share payments not mandated by federal law.

(c) "Methodology" underlying the establishment of a medicaid hospital rate means (unless otherwise noted) the principles, procedures, limitations, and formulas detailed in WAC ~~((388-550-2800 through 388-550-5500))~~ 182-550-2900 through 182-550-5500.

(d) "Justification" means an explanation of why the ~~((department))~~ agency is proposing or implementing a medicaid rate change based on a change in medicaid rate setting methodology.

(e) "Reasonable opportunity to review and provide written comments" means a period of fourteen calendar days in which stakeholders may provide written comments to the ~~((department))~~ agency.

(f) "Hospital services" means those services that are performed in a hospital facility for an inpatient client and which are payable only to the hospital entity, not to individual performing providers.

(g) "Web site" means the ~~((department's))~~ agency's internet home page on the worldwide web: ~~((http://www.wa.gov/dshs/maa))~~ http://www.hca.wa.gov/ is the internet address.

(3) The ~~((department))~~ agency will notify stakeholders of proposed and final changes in individual medicaid hospital rates for hospital services, as follows:

(a) Publish the proposed medicaid hospital rates, the methodologies underlying the establishment of ~~((such))~~ the rates, and justifications for ~~((such))~~ the rates;

(b) Give stakeholders a reasonable opportunity to review and provide written comments on the proposed medicaid hospital rates, the methodologies underlying the establishment of ~~((such))~~ the rates, and justifications for ~~((such))~~ the rates; and

(c) Publish the final medicaid hospital rates, the methodologies underlying the establishment of such rates, and justifications for such rates.

(4)(a) Except as otherwise provided in this section, the ~~((department))~~ agency will determine the manner of publication of proposed or final medicaid hospital rates.

(b) Publication of proposed medicaid hospital rates will occur as follows:

(i) The ~~((department))~~ agency will mail each provider's proposed rate to the affected provider via first-class mail at least fifteen calendar days before the proposed date for implementing the rates; and

(ii) For other stakeholders, the ~~((department))~~ agency will post proposed rates on the ~~((department's))~~ agency's web site.

(c) Publication of final medicaid hospital rates will occur as follows:

(i) The ~~((department))~~ agency will mail each provider's final rate to the affected provider via first-class mail at least one calendar day before implementing the rate; and

(ii) For other stakeholders, the ~~((department))~~ agency will post final rates on the ~~((department's))~~ agency's web site.

(d) The publications required by subsections (4)(b) and (c) of this section will refer to the appropriate sections of chapter ~~((388-550))~~ 182-550 WAC for information on the methodologies underlying the proposed and final rates.

(5) The ~~((department, whenever))~~ agency, when it proposes amendments to the methodologies underlying the establishment of medicaid hospital rates as described in WAC ~~((388-550-2800 through 388-550-5500))~~ 182-550-2900 through 182-550-5500, will adhere to the notice and comment provisions of the Administrative Procedure Act (chapter 34.05 RCW).

(6) Stakeholders who wish to receive notice of either proposed and final medicaid hospital rates or proposed and final amendments to WAC ~~((388-550-2800 through 388-550-5500))~~ 182-550-2900 through 182-550-5500 must notify the ~~((department))~~ agency in writing. The ~~((department))~~ agency will send notice of all ~~((such))~~ the actions to ~~((such))~~ the stakeholders postage prepaid by regular mail.

(7)(a) The notice and publication provisions of section 4711(a) of the Balanced Budget Act of 1997 do not apply when a rate change is:

(i) Necessary to conform to medicare rules, methods, or levels of reimbursement for clients who are eligible for both medicare and medicaid;

(ii) Required by Congress, the legislature, or court order, and no further rule making is necessary to implement the change; or

(iii) Part of a nonmedicaid program.

(b) Although notice and publication are not required for medicaid rate changes described in subsection (7)(a) of this section, the ~~((department))~~ agency will attempt to timely notify stakeholders of these rate changes.

(8) The following rules apply when the ~~((department))~~ agency and an individual hospital negotiate or contractually agree to medicaid rates for hospital services:

(a) Receipt by the hospital of the contract or contract amendment form for signature constitutes notice to the hospital of proposed medicaid rates.

(b) Receipt by the hospital of the contract or contract amendment form signed by both parties constitutes notice to the hospital of final medicaid rates.

(c) Notwithstanding subsection (4)(c) of this section, final medicaid contract rates are effective on the date contractually agreed to by the ~~((department))~~ agency and the individual hospital.

(d) ~~((Prior to))~~ Before the execution of the contract, the ~~((department))~~ agency will not publish negotiated contract prices that are agreed to between the ~~((department))~~ agency and an individual provider to anyone other than the individual provider. Within fifteen calendar days after the execution of any such contract, the ~~((department))~~ agency will publish the negotiated contract prices on its web site.

(9) The following rules apply when a hospital provider or other stakeholder wishes to challenge the adequacy of the public notification process followed by the ~~((department))~~ agency in proposing or implementing a change to medicaid hospital rates, the methodologies underlying the establishment of ~~((such))~~ the rates, or the justification for ~~((such))~~ the rates:

(a) If any such challenge is limited solely to the adequacy of the public notification process, then the challenge will:

(i) Not be pursued in any administrative appeal or dispute resolution procedure established in rule by the ~~((department))~~ agency; and

(ii) Be pursued only in a court of proper jurisdiction as may be provided by law.

(b) If a hospital provider brings any such challenge in conjunction with an appeal of its medicaid rate, then the hospital provider may pursue the challenge in an administrative appeal or dispute resolution procedure established in rule by the ~~((department))~~ agency under which hospital providers may appeal their medicaid rates.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5600 Dispute resolution process for hospital rate reimbursement. The dispute resolution process for hospital rate reimbursement follows the procedures as stated in WAC ~~((388-502-0220))~~ 182-502-0220.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5700 Hospital reports and audits. (1) In-state and border area hospitals ~~((shall))~~ will complete and submit a copy of their annual medicare cost reports (HCFA 2552) to the ~~((department))~~ medicaid agency. These hospital providers ~~((shall))~~ will:

(a) Maintain adequate records for audit and review purposes, and assure the accuracy of their cost reports;

(b) Complete their annual medicare HCFA 2552 cost report according to the applicable medicare statutes, regulations, and instructions; and

(c) Submit a copy to the ~~((department))~~ agency;

(i) Within one hundred fifty days from the end of the hospital's fiscal year; or

(ii) If the hospital provider's contract is terminated, within one hundred fifty days of effective termination date; or

(d) Request up to a thirty day extension of the time for submitting the cost report in writing at least ten days ~~((prior to))~~ before the due date of the report. Hospital providers ~~((shall))~~ will include in the extension request the completion date of the report, and the circumstances prohibiting compliance with the report due date;

(2) If a hospital provider improperly completes a cost report or the cost report is received after the due date or approved extension date, the ~~((department))~~ agency may withhold all or part of the payments due the hospital until the ~~((department))~~ agency receives the properly completed or late report.

(3) Hospitals ~~((shall))~~ will submit other financial information required by the ~~((department))~~ agency to establish rates.

(4) The ~~((department shall))~~ agency will periodically audit:

(a) Cost report data used for rate setting;

(b) Hospital billings; and

(c) Other financial and statistical records.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-5800 Outpatient and emergency hospital services. The ~~((department shall))~~ medicaid agency will cover outpatient services, emergent outpatient surgical care, and other emergency care performed on an outpatient basis in a hospital for categorically needy or limited casualty program-medically needy clients. ~~((The department shall limit clients eligible for the medically indigent program to emergent hospital services, subject to the conditions and limitations of WAC 388-521-2140, 388-529-2950, and this chapter.))~~

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6000 Outpatient hospital services—Conditions of payment and payment methods. (1) The ~~((department))~~ medicaid agency pays hospitals for covered outpatient hospital services provided to eligible clients when the services meet the provisions in WAC ~~((388-550-1700))~~ 182-550-1700. All professional medical services must be billed according to chapter ~~((388-534))~~ 182-531 WAC.

(2) To be paid for covered outpatient hospital services, a hospital provider must:

(a) Have a current core provider agreement with the ~~((department))~~ agency;

(b) Bill the ~~((department))~~ agency according to the conditions of payment under WAC ~~((388-502-0100))~~ 182-502-0100;

(c) Bill the ~~((department))~~ agency according to the time limits under WAC ~~((388-502-0150))~~ 182-502-0150; and

(d) Meet program requirements in other applicable WAC and the ~~((department's))~~ agency's published issuances.

(3) The ~~((department))~~ agency does not pay separately for any services:

(a) Included in a hospital's room charges;

(b) Included as covered under the ((department's)) agency's definition of room and board (e.g., nursing services). See WAC ((388-550-1050)) 182-550-1050; or

(c) Related to an inpatient hospital admission and provided within one calendar day of a client's inpatient admission.

(4) The ((department)) agency does not pay:

(a) A hospital for outpatient hospital services when a managed care plan is contracted with the ((department)) agency to cover these services;

(b) More than the "acquisition cost" ("A.C.") for HCPCS (health care common procedure coding system) codes noted in the outpatient fee schedule; or

(c) For cast room, emergency room, labor room, observation room, treatment room, and other room charges in combination when billing periods for these charges overlap.

(5) The ((department)) agency uses the outpatient ((departmental)) weighted costs-to-charges ((ODWCC)) (OWCC) rate to pay for covered outpatient services provided in a critical access hospital (CAH). See WAC ((388-550-2598)) 182-550-2598.

(6) The ((department)) agency uses the maximum allowable fee schedule to pay non-OPPS hospitals and non-CAH hospitals for the following types of covered outpatient hospital services listed in the ((department's)) agency's current published outpatient hospital fee schedule and billing instructions:

(a) EKG/ECG/EEG and other diagnostics;

(b) Imaging services;

(c) Immunizations;

(d) Laboratory services;

(e) Occupational therapy;

(f) Physical therapy;

(g) Sleep studies;

(h) Speech/language therapy;

(i) Synagis; and

(j) Other hospital services identified and published by the ((department)) agency.

(7) The ((department)) agency uses the hospital outpatient rate as described in WAC ((388-550-4500)) 182-550-4500 to pay for covered outpatient hospital services when:

(a) A hospital provider is a non-OPPS or a non-CAH provider; and

(b) The services are not included in subsection (6) of this section.

(8) Hospitals must provide documentation as required ((and/or)) requested by the ((department)) agency.

(9) All hospital providers must present final charges to the ((department)) agency within three hundred sixty-five days of the "statement covers period from date" shown on the claim. The state of Washington is not liable for payment based on billed charges received beyond three hundred sixty-five days from the "statement covers period from date" shown on the claim.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6100 Outpatient hospital physical therapy. (1) The ((department)) medicaid agency pays for physical therapy provided to eligible clients as an outpatient hospital service according to WAC ((388-545-500 and 388-550-6000)) 182-545-200 and 182-550-6000.

(2) A hospital must bill outpatient hospital physical therapy services using appropriate billing codes listed in the ((department's)) agency's current published billing instructions. The ((department)) agency does not pay outpatient hospitals a facility fee for ((such)) these services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6150 Outpatient hospital occupational therapy. (1) The ((department)) medicaid agency pays for occupational therapy provided as an outpatient hospital service to eligible clients according to WAC ((388-545-300 and 388-550-6000)) 182-545-200 and 182-550-6000.

(2) The hospital must bill outpatient hospital occupational therapy services using appropriate billing codes listed in the ((department's)) agency's current published billing instructions. The ((department)) agency does not pay outpatient hospitals a facility fee for ((such)) these services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6200 Outpatient hospital speech therapy services. (1) The ((department)) medicaid agency pays for speech therapy services provided to eligible clients as an outpatient hospital service according to this section and WAC ((388-545-700 and 388-550-6000)) 182-545-200 and 182-550-6000.

(2) The ((department)) agency requires swallowing (dysphagia) evaluations to be performed by a speech/language pathologist who holds a master's degree in speech pathology and who has received extensive training in the anatomy and physiology of the swallowing mechanism, with additional training in the evaluation and treatment of dysphagia.

(3) The ((department)) agency requires a swallowing evaluation to include:

(a) An oral-peripheral exam to evaluate the anatomy and function of the structures used in swallowing;

(b) Dietary recommendations for oral food and liquid intake therapeutic or management techniques;

(c) Therapeutic or management techniques; and

(d) Videofluoroscopy, when necessary, for further evaluation of swallowing status and aspiration risks.

(4) A hospital must bill outpatient hospital speech therapy services using appropriate billing codes listed in the ((department's)) agency's current published billing instructions. The ((department)) agency does not pay the outpatient hospital a facility fee for these services.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6250 Pregnancy—Enhanced outpatient benefits. The ~~((department shall))~~ medicaid agency will provide outpatient chemical dependency treatment in programs qualified under chapter ~~((440-25))~~ 388-810 WAC and certified under chapter ~~((440-22))~~ 388-805 WAC or its successor.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6300 Outpatient nutritional counseling. (1) The ~~((department shall))~~ medicaid agency will cover nutritional counseling services only for eligible medicaid clients age twenty ~~((years of age))~~ and under referred during an early and periodic screening, diagnosis and treatment screening to a certified dietitian.

(2) Except for children under the children's medical program, the ~~((department shall))~~ agency will not cover nutritional counseling for clients under the medically indigent and other state-only funded programs.

(3) The ~~((department shall))~~ agency will pay for nutritional counseling for the following conditions:

(a) Inadequate or excessive growth, such as failure to thrive, undesired weight loss, underweight, major change in weight-to-height percentile, and obesity;

(b) Inadequate dietary intake, such as formula intolerance, food allergy, limited variety of foods, limited food resources, and poor appetite;

(c) Infant feeding problems, such as poor suck/swallow reflex, breast-feeding difficulties, lack of developmental feeding progress, inappropriate kinds or amounts of feeding offered, and limited caregiver knowledge ~~((and))~~ or skills;

(d) Chronic disease requiring nutritional intervention, such as congenital heart disease, pulmonary disease, renal disease, cystic fibrosis, metabolic disorder, and gastrointestinal disease;

(e) Medical conditions requiring nutritional intervention, such as iron-deficiency anemia, familial hyperlipidemia, and pregnancy;

(f) Developmental disability, such as increasing the risk of altered energy and nutrient needs, oral-motor or behavioral feeding difficulties, medication-nutrient interaction, and tube feedings; or

(g) Psycho-social factors, such as behavior suggesting eating disorders.

(4) The ~~((department shall))~~ agency will pay for maximum of twenty sessions, in any combination, of assessment/evaluation and/or nutritional counseling in a calendar year.

(5) The ~~((department shall))~~ agency will require each assessment/evaluation or nutritional counseling session be for a period of twenty-five to thirty minutes of direct interaction with a client and/or the client's caregiver.

(6) The ~~((department shall))~~ agency will pay the provider for a maximum of two sessions per day per client.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6400 Outpatient hospital diabetes education. (1) The ~~((department))~~ medicaid agency pays for outpatient hospital-based diabetes education for an eligible client when:

(a) The facility where the services are provided is approved by the department of health (DOH) as a diabetes education center, and

(b) The client is referred by a licensed health care provider.

(2) The ~~((department))~~ agency requires the diabetes education teaching curriculum to have measurable, behaviorally stated educational objectives. The diabetes education teaching curriculum must include all the following core modules:

(a) An overview of diabetes;

(b) Nutrition, including individualized meal plan instruction that is not part of the women, infants, and children program;

(c) Exercise, including an individualized physical activity plan;

(d) Prevention of acute complications, such as hypoglycemia, hyperglycemia, and sick day management;

(e) Prevention of other chronic complications, such as retinopathy, nephropathy, neuropathy, cardiovascular disease, foot and skin problems;

(f) Monitoring, including immediate and long-term diabetes control through monitoring of glucose, ketones, and glycosylated hemoglobin; and

(g) Medication management, including administration of oral agents and insulin, and insulin startup.

(3) The ~~((department))~~ agency pays for a maximum of six hours of individual core survival skills outpatient diabetes education per calendar year per client.

(4) The ~~((department))~~ agency requires DOH-approved centers to bill the ~~((department))~~ agency for diabetes education services on the UB92 billing form using the specific revenue code~~((s))~~ designated and published by the ~~((department))~~ agency.

(5) The ~~((department))~~ agency reimburses for outpatient hospital-based diabetes education based on the individual hospital's current specific ratio of costs-to-charges, or the hospital's customary charge for diabetes education, whichever is less.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6450 Outpatient hospital weight loss program. The ~~((department))~~ medicaid agency may pay for an outpatient weight loss program only when provided through an outpatient weight loss facility approved by the ~~((medical assistance administration. The department shall))~~ agency. The agency will deny payment for services provided by nonapproved providers.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6500 Blood and blood components. (1) The ~~((department))~~ medicaid agency pays a hospital only for:

- (a) Blood bank service charges for processing and storage of blood and blood components; and
 - (b) Blood administration charges.
- (2) The ~~((department))~~ agency does not pay for blood and blood components.

(3) The ~~((department))~~ agency does not pay a hospital separately for the services identified in subsection (1) when these services are included and paid using the diagnosis-related group (DRG), per diem, or per case rate payment rates.

(4) The ~~((department))~~ agency pays a hospital no more than the hospital's cost, as determined by the ~~((department))~~ agency, for the services identified in subsection (1) when the hospital is paid using the ratio of costs-to-charges (RCC) or ~~((departmental))~~ weighted costs-to-charges ((DWCC)) WCC payment method.

AMENDATORY SECTION (Amending WSR 11-14-075, filed 6/30/11, effective 7/1/11)

WAC 182-550-6600 Hospital-based physician services. See chapter ~~((388-534))~~ 182-531 WAC regarding rules for inpatient and outpatient physician services.

**WSR 15-15-096
PROPOSED RULES**

LIQUOR CONTROL BOARD

[Filed July 15, 2015, 11:45 a.m.]

Supplemental Notice to WSR 15-01-093.

Preproposal statement of inquiry was filed as WSR 13-07-026.

Title of Rule and Other Identifying Information: Chapter 314-23 WAC: New sections WAC 314-23-060 What are "volume discounts"?, 314-23-065 What are "unfair trade practices"?, 314-23-070 What is "local market"?, 314-23-075 Are licensed distributors or other suppliers of spirits and wine allowed to provide discounts to on-premises or off-premises retail licensees based on a commitment from the retailer to purchase a particular percentage of the spirits back-bar, well drinks, wine by the glass, or any combination of these?, 314-23-080 Are licensed distributors or other licensed suppliers of spirits and wine allowed to provide volume discounts to on-premises or off-premises retail licensees?, and 314-23-085 What type of discounts are not allowed?

Hearing Location(s): Washington State Liquor Control Board, Board Room, 3000 Pacific Avenue S.E., Olympia, WA 98504, on August 26, 2015, at 10:00 a.m.

Date of Intended Adoption: September 9, 2015.

Submit Written Comments to: Karen McCall, P.O. Box 43080, Olympia, WA 98504, e-mail rules@lcb.wa.gov, fax (360) 664-9689, by September 9, 2015.

Assistance for Persons with Disabilities: Contact Karen McCall by September 9, 2015, (360) 664-1631.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is a result of a stakeholder petition for rule making to clarify RCW 66.28.170 regarding discrimination in price to purchaser for resale prohibited. Confusion in the alcohol industry regarding "volume discounts" since the passing of Initiative 1183 requires further clarification in the rules.

Reasons Supporting Proposal: Additional rule language needs to be created to fully clarify the statute.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.28.170.

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

Name of Proponent: Washington state liquor control board, governmental.

Name of Agency Personnel Responsible for Drafting: Karen McCall, Rules Coordinator, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1631; Implementation: Becky Smith, Licensing Director, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1615; and Enforcement: Justin Nordhorn, Enforcement Chief, 3000 Pacific Avenue S.E., Olympia, WA 98504, (360) 664-1726.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was filed with the previous CR-102 under WSR 15-01-093.

A cost-benefit analysis is not required under RCW 34.05.328.

July 15, 2015
Jane Rushford
Chairman

NEW SECTION

WAC 314-23-060 What are "volume discounts"?

Volume discounts are discounts that are based solely on the volume of the spirits and/or wine that is purchased by a retailer from a distributor or supplier. However, the limitations on interactions between the levels of licenses remain including, but not limited to, the prohibition on undue influence and sales below cost.

NEW SECTION

WAC 314-23-065 What are "unfair trade practices"?

(1) "Unfair trade practice" means one retailer or industry member directly or indirectly influencing the purchasing, marketing, or sales decisions of another retailer or industry member by any agreement written or unwritten or any other business practices or arrangements such as, but not limited to, the following:

(a) Any form of coercion between industry members and retailers or between retailers and industry members through acts or threats of physical or economic harm, including threat of loss of supply or threat of curtailment of purchase;

(b) A retailer on an involuntary basis purchasing less than it would have of another industry member's product;

(c) Purchases made by a retailer or industry member as a prerequisite for purchase of other items;

(d) A retailer purchasing a specific or minimum quantity or type of a product or products from an industry member;

(e) An industry member requiring a retailer to take and dispose of a certain product type or quota of the industry member's products;

(f) A retailer having a continuing obligation to purchase or otherwise promote or display an industry member's product;

(g) An industry member having a continuing obligation to sell a product to a retailer;

(h) A retailer having a commitment not to terminate its relationship with an industry member with respect to purchase of the industry member's products or an industry member having a commitment not to terminate its relationship with a retailer with respect to the sale of a particular product or products;

(i) An industry member being involved in the day-to-day operations of a retailer or a retailer being involved in the day-to-day operations of an industry member in a manner that violates the provisions of this subsection;

(j) Discriminatory pricing practices as prohibited by law or other practices that are discriminatory in that the product is not offered to all retailers in the local market at the same price.

(2) The exercise of undue influence is an unfair trade practice and is prohibited.

NEW SECTION

WAC 314-23-070 What is "local market"? Local market is limited to businesses in geographic recognized market areas such as town, city, county or other recognized geographic area in which distribution services are provided. For the purposes of differential pricing, sales to on-premises retailers and off-premises retailers constitute separate markets.

NEW SECTION

WAC 314-23-075 Are licensed distributors or other suppliers of spirits and wine allowed to provide discounts to on-premises or off-premises retail licensees based on a commitment from the retailer to purchase a particular percentage of the spirits back-bar, well-drinks, wine by the glass, or any combination of these? (1) It is unlawful for a distributor or other supplier of spirits or wine to offer a lower price to an on-premises or off-premises retailer if the retailer is required to purchase a specific portion of some or all of its wine or spirits from that distributor or supplier in order to qualify for the lower price. Such requirements include, but are not necessarily limited to, agreeing to devote certain percentage of the spirits back-bar, well-drinks, wine by the glass, or any combination of these or other types of purchases to products sold by that distributor or supplier.

(2) Such exclusive discounts are prohibited under RCW 66.28.170 and federal law 27 C.F.R. 6.72.

NEW SECTION

WAC 314-23-080 Are licensed distributors or other licensed suppliers of spirits and wine allowed to provide

volume discounts to on-premises or off-premises retail licensees? (1) Yes, distributors or other licensed suppliers are allowed to provide volume discounts to licensed on-premises and off-premises retailers. The discounts must be based solely on the volume of the spirits and/or wine that is purchased by a retailer from a distributor or other licensed suppliers. However, the limitations on interactions between the levels of licenses remain, including the prohibition on undue influence and sales below cost of acquisition.

(2) Differential pricing between on-premises licensed retailers and off-premises licensed retailers is allowed under the following exceptions:

(a) For spirits: A new product to the market may be sold to on-premises retailers at an "introductory price" for a maximum of six months. After the six-month introductory period the price for on-premises and off-premises retailers must be the same price for the same volume purchased.

(i) "New product" means the product has not previously been offered for sale to retailers.

(ii) "Introductory price" means the price of the spirits product when it first becomes available for purchase.

(b) For wine: Wine may be sold to on-premises retailers and off-premises retailers at different prices.

NEW SECTION

WAC 314-23-085 What type of discounts are not allowed? The following types of discounts are not allowed. Please note that this list is representative and not inclusive of all practices that are not allowed:

(1) **Volume discounts that violate local, state, or federal laws.**

(2) **Discounts on purchases over time.** Prices must be based on the spirits or wine delivered in a single shipment or single invoice.

(3) **Discounts on a combined order that is delivered to multiple licensed sites.** Volume discounts may only be provided based on combined orders by one or more licensees to the "central warehouse" or a single location to which the order is delivered. The delivery of product to multiple sites cannot be used in determining the volume discount for a combined order unless the order is delivered to multiple liquor licensed locations owned and operated by the same liquor licensed entity.

**WSR 15-15-106
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 16, 2015, 9:54 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-10-104.

Title of Rule and Other Identifying Information: The office of superintendent of public instruction (OSPI) special education section is amending WAC 392-172A-06015 Maintenance of effort, 392-172A-06025 Adjustment to local fiscal efforts in certain fiscal years, and 392-172A-06030 School

wide programs under Title 1 of the ESEA. The proposed amendments are made to address recent amendments to federal regulations and to clarify federal maintenance of effort requirements. On April 28, 2015, the United States Department of Education, Office of Special Education Programs, adopted regulations amending their current maintenance of effort regulations.

Hearing Location(s): OSPI, Brouillet Conference Room, Room 430, 4th Floor, 600 Washington Street S.E., Olympia, WA 98504, on August 26, 2015, at 10:00 a.m.

Date of Intended Adoption: August 28, 2015.

Submit Written Comments to: Douglas H. Gill, Assistant Superintendent, Special Education, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, Attn Special Education Section, e-mail speced@k12.wa.us (please put "2015 Rulemaking" in the subject line), fax (360) 786-0247, by August 26, 2015.

Assistance for Persons with Disabilities: Contact Kristin Murphy by August 12, 2015, TTY (360) 664-3631 or (360) 725-6133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposal is to ensure that the state special education fiscal rules are consistent with federal rules addressing school district requirements for standard of eligibility and maintenance of effort. This change is consistent with federal language, and is also consistent with OSPI's current standards and maintenance of effort requirements for local school districts.

Reasons Supporting Proposal: The proposed amendments will ensure that the regulations are consistent with current federal requirements for determining whether a school district is maintaining expenditures from funding sources other than federal funds.

Statutory Authority for Adoption: RCW 28A.155.090.

Statute Being Implemented: Chapter 28A.155 RCW.

Rule is necessary because of federal law, 34 C.F.R. § 300.203.

Name of Proponent: OSPI, governmental.

Name of Agency Personnel Responsible for Drafting: Pamela McPartland, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6075; Implementation and Enforcement: Douglas H. Gill, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6075.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The joint administrative [administrative] rules review committee has not requested the preparation of a small business economic impact statement. Section 1, chapter 201, Laws of 2012, applies only to rules proposed by the state board of education.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to OSPI proposed rules unless requested by the joint administrative rules review committee or applied voluntarily.

July 16, 2015
Randy Dorn
State Superintendent
of Public Instruction

AMENDATORY SECTION (Amending WSR 07-14-078, filed 6/29/07, effective 7/30/07)

WAC 392-172A-06015 Maintenance of effort. (1)(a) Eligibility standard. For purposes of establishing the school district's eligibility for an award for a fiscal year, the OSPI must determine that the school district budgets, for the education of students eligible for special education, at least the same amount, from at least one of the following sources, as the school district spent for that purpose from the same source for the most recent fiscal year for which information is available:

(i) Local funds only;

(ii) The combination of state and local funds;

(iii) Local funds only on a per capita basis; or

(iv) The combination of state and local funds on a per capita basis.

(b) When determining the amount of funds that the school district must budget to meet the requirement in (a) of this subsection, the school district may take into consideration, to the extent the information is available, the exceptions and adjustment provided in WAC 392-172A-06020 and 392-172A-06025 that the school district:

(i) Took in the intervening year or years between the most recent fiscal year for which information is available and the fiscal year for which the school district is budgeting; and

(ii) Reasonably expects to take in the fiscal year for which the school district is budgeting.

(c) Expenditures made from funds provided by the federal government for which the OSPI is required to account to the federal government or for which the school district is required to account to the federal government directly or through the OSPI may not be considered in determining whether a school district meets the standard in (a) of this subsection.

(2)(a) Compliance standard. Except as provided under WAC 392-172A-06020 and 392-172A-06025, funds provided to school districts or other public agencies under Part B of the IDEA may not be used to reduce the level of expenditures for the education of students eligible for special education made by it from local funds below the level of those expenditures for the preceding fiscal year.

~~((2) Except as provided in subsection (3) of this section, the OSPI determines that a school district complies with this section for purposes of establishing the school district's eligibility for an award for a fiscal year if the district budgets, for the education of special education students, at least the same total or per capita amount from either of the following sources as the district spent for that purpose from the same source for the most recent prior year for which information is available:~~

~~(a)) (b) A school district meets this standard if it does not reduce the level of expenditures made by the school district for the education of students eligible for special education from at least one of the following sources below the level of those expenditures from the same source for the preceding year except as provided under WAC 392-172A-06020 and 392-172A-06025:~~

~~(i) Local funds only.~~

~~((b)) (ii) The combination of state and local funds.~~

~~((3) A district that relies on subsection (2)(a) of this section for any fiscal year must ensure that the amount of local funds it budgets for the education of students eligible for special education in that year is at least the same, either in total or per capita, as the amount it spent for that purpose in the most recent fiscal year for which information is available, if that year is, or is before, the first fiscal year beginning on or after July 1, 1997, or later, if the most recent fiscal year for which information is available and the standard in subsection (2)(a) of this section was used to establish its compliance with this section.~~

~~(4)) (iii) Local funds only on a per capita basis; or~~

~~(iv) The combination of state and local funds on a per capita basis.~~

~~(c) The OSPI may not consider any expenditures made from funds provided by the federal government for which the OSPI is required to account to the federal government or for which the school district is required to account to the federal government directly or through the OSPI in determining a school district's compliance with the requirement in subsection (1)(a) and (b) of this section.~~

~~(3)(a) Subsequent years. If, in the fiscal year beginning on July 1, 2013, or July 1, 2014, a school district fails to meet the requirements of 34 C.F.R. 300.203 in effect at that time, the level of expenditures required of the school district for the fiscal year subsequent to the year of the failure is the amount that would have been required in the absence of that failure, not the school district's reduced levels of expenditures.~~

~~(b) If, in any fiscal year beginning on July 1, 2015, a school district fails to meet the requirement of subsection (1)(a)(i) or (iii) of this section and the school district is relying on local funds only, or local funds only on a per capita basis, to meet the requirements of 34 C.F.R. 203 (a) and (b), the level of expenditures required of the school district for the fiscal year subsequent to the year of the failure is the amount that would have been required under subsection (1)(a)(i) or (iii) of this section in the absence of that failure, not the school district's reduced level of expenditures.~~

~~(c) If, in any fiscal year beginning on July 1, 2015, a school district fails to meet the requirement of subsection (1)(a)(ii) or (iv) of this section and the school district is relying on the combination of state and local funds or the combination of state and local funds on a per capita basis, to meet the requirements of 34 C.F.R. 203 (a) and (b), the level of expenditures required of the school district for the fiscal year subsequent to the year of the failure is the amount that would have been required under subsection (1)(a)(ii) or (iv) of this section in the absence of that failure, not the school district's reduced level of expenditures.~~

~~(4) If a school district fails to maintain its level of expenditures for the education of student's eligible for special education in accordance with subsection (1) of this section, OSPI is liable in a recovery action under 20 U.S.C. 1234a to return to the United States Department of Education, using nonfederal funds, an amount equal to the amount by which the school district failed to maintain its level of expenditures in accordance with this subsection (1) of this section in that fiscal year, or the amount of the school district's Part B subgrant, in that fiscal year, whichever is lower.~~

AMENDATORY SECTION (Amending WSR 07-14-078, filed 6/29/07, effective 7/30/07)

WAC 392-172A-06025 Adjustment to local fiscal efforts in certain fiscal years. (1) Notwithstanding WAC 392-172A-06010 and 392-172A-06015 ~~((1)(a) and (2) and 392-172A-06020(1);))~~ (2) and except as provided in subsection (4) of this section, for any fiscal year for which the allocation received by a school district exceeds the amount the school district received for the previous fiscal year, the school district may reduce the level of expenditures otherwise required by WAC 392-172A-06015(1) by not more than fifty percent of the amount of that excess.

(2) If a school district exercises the authority under subsection (1) of this section, the school district must use an amount of local funds equal to the reduction in expenditures under subsection (1) of this section to carry out activities that could be supported with funds under the ESEA regardless of whether the school district is using funds under the ESEA for those activities.

(3) Notwithstanding subsection (1) of this section, if OSPI determines that a school district is unable to establish and maintain programs of FAPE that meet the requirements of this chapter and Part B of the act, the OSPI must prohibit the school district from reducing the level of expenditures under subsection (1) of this section for that fiscal year.

(4) The amount of funds expended by a school district for early intervening services under WAC 392-172A-06085 shall count toward the maximum amount of expenditures that the school district may reduce under subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 13-20-034, filed 9/24/13, effective 10/25/13)

WAC 392-172A-06030 School wide programs under Title 1 of the ESEA. (1) A school district may use funds received under Part B of the act for any fiscal year to carry out a school wide program under section 1114 of the Elementary and Secondary Education Act of 1965, except that the amount used in any school wide program may not exceed:

(a) The amount received by the school district under Part B for that fiscal year; divided by the number of students eligible for special education in the jurisdiction; multiplied by

(b) The number of students eligible for special education participating in the school wide program.

(2) The funds described in subsection (1) of this section may be used without regard to WAC 392-172A-06010 (1)(a).

(3) The funds described in subsection (1) of this section must be considered as federal Part B funds for purposes of ~~((calculating excess cost and supplanting WAC 392-172A-06010 (1)(b) and (e)))~~ the calculations in WAC 392-172A-06015(2).

(4) Except as provided in subsections (2) and (3) of this section, all other requirements of Part B must be met, including ensuring that students eligible for special education in school wide program schools:

(a) Receive services in accordance with a properly developed IEP; and

(b) Are afforded all of the rights and services guaranteed to students eligible for special education under the IDEA.

WSR 15-15-108
PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Order 15-01—Filed July 16, 2015, 10:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-07-014.

Title of Rule and Other Identifying Information: Ecology is proposing to revise chapter 173-351 WAC, Criteria for municipal solid waste landfills, by adding two hazardous organic constituents to Appendix III of WAC 173-351-990: 2,3,7,8-Tetrachlorodibenzo- p-dioxin - (CAS 1746-01-6) and alpha, alpha-Dimethylphenethylamine (CAS 122-09-8).

Hearing Location(s): Washington State Department of Ecology, 300 Desmond Drive S.E., Lacey, WA 98503, on August 27, 2015, at 3:00 p.m.

Date of Intended Adoption: September 22, 2015.

Submit Written Comments to: Kyle Dorsey, P.O. Box 47600, Olympia, WA 98504, e-mail kyle.dorsey@ecy.wa.gov, fax (360)407-6102, by September 8, 2015.

Assistance for Persons with Disabilities: Contact the waste 2 resources program by August 25, 2015, TTY (877) 833-6341 or (360) 407-6900. Persons with impaired hearing may call Washington relay service at 711.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Revising chapter 173-351 WAC will clarify requirements for landfill operators, and enable ecology to obtain full approval of our municipal solid waste rules from the United States Environmental Protection Agency (EPA).

This revision is necessary to be consistent with federal rules in 40 C.F.R. Part 258. Operators of municipal solid waste landfills must meet federal program requirements. Revising our rule eliminates possible noncompliance for facilities that inadvertently omit the two additional constituents required by federal rules. It also clarifies monitoring requirements for local jurisdictional health authorities that have the lead for issuing and enforcing solid waste permits.

Ecology's municipal solid waste landfill program operates under partial approval from EPA. The addition of these two constituents will allow EPA to make a determination of full program adequacy. In turn, EPA will be able to approve the *Research, Development and Demonstration* (RD&D) element that is part of our current state program.

Reasons Supporting Proposal: EPA specifies criteria for municipal solid waste landfills under 40 C.F.R. Part 258. The state program is currently partially approved by EPA under 40 C.F.R. Part 239. The only identified barrier to full program approval of the state program is the lack of the two constituents identified in this rule proposal. EPA has said they will move forward with full program approval if ecology shows a commitment to make the changes in state rules proposed under this rule making. We have been coordinating with EPA, and legal counsel for both agencies have been involved. Local jurisdictional health authorities issue solid waste permits subject to ecology review. Local permits must at least meet state program requirements. Ecology has a communication strategy for this rule making that includes outreach to all municipal solid waste landfill operators, health jurisdictions, and impacted and interested parties.

Statutory Authority for Adoption: RCW 70.95.020 and 70.95.060.

Statute Being Implemented: Chapter 70.95 RCW.

Rule is necessary because of federal law, 40 C.F.R. Part 258 - Criteria for Municipal Solid Waste Landfills.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Chapter 173-351 WAC establishes state requirements for the design and operation of municipal solid waste landfills. Applicable requirements are implemented through permits issued by local jurisdictional health authorities who serve as the first and primary agencies to implement and enforce the rules. The department of ecology provides technical assistance and reviews permits issued by local health authorities.

Name of Proponent: Washington state department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Kyle Dorsey, Lacey, Washington, (360) 407-6559; Implementation: Wayne Krafft, Spokane, Washington, (509) 329-3438; and Enforcement: Laurie G. Davies, Lacey, Washington, (360) 407-6103.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Executive Summary: Based on research and analysis required by the Regulatory Fairness Act (RFA), RCW 19.85.070, **ecology has determined that the proposed rule, criteria for municipal solid waste landfills (chapter 173-351 WAC) does not have disproportionate impacts on small businesses.** The RFA directs ecology to determine if there is likely to be disproportionate impact, and if legal and feasible, reduce this disproportionate impact.

The small business economic impact statement (SBEIS) is intended to be read with the associated cost-benefit analysis (Ecology publication # 15-07-027), which contains more in-depth discussion of the analysis.

The proposed rule amendments add two chemicals to the Appendix III list in WAC 173-351-990. These chemicals are 2,3,7,8 TCDD (2,3,7,8-Tetrachlorodibenzo-p-dioxin, CAS 1746-01-6) and Phentermine (alpha, alpha-Dimethylphenethylamine, CAS 122-09-8). No other changes are proposed.

When the operator of a municipal solid waste landfill finds a statistically significant increase in a contaminant listed in Appendix I of WAC 173-351-990, during routine detection monitoring, the landfill must then perform additional assessment monitoring for the expanded list of chemicals in Appendix III.

Most municipal solid waste landfills (MSWLF) are owned and operated by government entities (cities, counties, federal government), but five are owned and operated by private businesses, and one of these is a small business. The small business is not currently in assessment monitoring. This means that the proposed rule does not impose costs on small businesses, as they currently exist and operate.

The proposed rule does not impose disproportionately large costs on small businesses. Ecology is therefore not

required to include cost-mitigating elements in the proposed rule.

We estimated that there would be relatively little net change in jobs, statewide over twenty years. This is because the majority of compliance costs are a transfer to the testing laboratory industry. The precise number estimated by the model is between a gain of 0.33 and a loss of nearly four full-time employees (FTE) for the duration of the analysis. This likely small impact is due to the proposed rule's direct compliance costs, based on the total present-value costs to landfills, and the transfer of some payments to laboratories. This includes direct job impacts in the landfill industry, as well as indirect impacts to all other private industry in the state.

Section 1: Background and Introduction:

1.1 Introduction: Based on research and analysis required by RFA, RCW 19.85.070, **ecology has determined that the proposed rule, criteria for MSWLFs (chapter 173-351 WAC) does not have disproportionate impacts on small businesses.** The RFA directs ecology to determine if there is likely to be disproportionate impact, and if legal and feasible, reduce this disproportionate impact.

The SBEIS is intended to be read with the associated cost-benefit analysis (Ecology publication # 15-07-027), which contains more in-depth discussion of the analysis.

1.2 Description of the proposed rule amendments: The proposed rule amendments add two chemicals to the Appendix III list in WAC 173-351-990. These chemicals are 2,3,7,8 TCDD (2,3,7,8-Tetrachlorodibenzo-p-dioxin, CAS 1746-01-6) and Phentermine (alpha,alpha-Dimethylphenethylamine, CAS 122-09-8). No other changes are proposed.

When the operator of a MSWLF finds a statistically significant increase in a contaminant listed in Appendix I of WAC 173-351-990, during routine detection monitoring, the landfill must then perform additional assessment monitoring for the expanded list of chemicals in Appendix III.

1.3 Reasons for the proposed rule amendments: Ecology previously amended chapter 173-351 WAC, Criteria for municipal solid waste landfills, in 2012, but omitted two potential pollutants listed in the equivalent federal rules (40 C.F.R. Part 258). Due to this omission:

- Ecology cannot obtain full federal approval of the state permit program. Without full approval, EPA cannot approve RD&D permits allowed under the state program, that provide for use of new or innovative technologies, and associated financial incentives.
- There is potential for unrecognized groundwater contamination from these two constituents, which could lead to the establishment of a cleanup site under the Model Toxics Control Act (MTCA) law and cleanup rule ("MTCA"; chapters 70.105D RCW and 173-240 WAC).
- Landfills which omit required monitoring for these pollutants because they are not reflected in the state program, will be out of compliance with federal requirements.

Ecology is therefore proposing rule amendments that would bring the rule in line with the federal rule, and allow for full federal approval of the state program, as well as appropriate monitoring at sites that trigger broader assessment monitoring.

Section 2: Analysis of Compliance Costs for Washington Businesses:

2.1 Introduction: We analyzed the impacts of the proposed rule relative to the baseline of the existing rule, within the context of all existing requirements (federal and state laws and rules). This context for comparison is called the baseline, and reflects the most likely regulatory circumstances that MSWLFs would face if the proposed rule were not adopted. It is discussed in detail in Section 2.2, below.

2.2 Baseline: The baseline for our analyses generally consists of existing rules and laws, and their requirements. For economic analyses, the baseline also includes the implementation of those regulations, including any guidelines and policies that result in behavior changes and real impacts. This is what allows us to make a consistent comparison between the state of the world with or without the proposed rule amendments. In this case we will assume that landfills required to perform assessment monitoring have already incurred an obligation from the federal rules to perform an annual monitoring event, and semi-annual monitoring for any constituents identified in the annual event. Therefore the increment resulting from proposed changes in state program rules will be two analytical events as the state requires quarterly instead of semi-annual monitoring. For this rule making, we discuss the baseline below, including the:

- Federal rule: Criteria for Municipal Solid Waste Landfills (40 C.F.R. Part 258).
- State law: Solid waste management—Reduction and recycling (chapter 70.95 RCW).
- Existing state rule: Criteria for municipal solid waste landfills (chapter 173-351 WAC).
- Other regulations pertaining, e.g., to cleanup in the event a landfill becomes a cleanup site, such as the MTCA statute (chapter 70.105D RCW) and its implementing rule, the MTCA cleanup regulation (chapter 173-240 WAC).

As is specifically significant to this rule making, the federal rule requires annual assessment monitoring of an expanded list of potential pollutants at MSWLFs that find statistically significant increases in a chemical in a smaller set of chemicals they are required to routinely monitor. Any pollutant found as a result of the annual event must be monitored semiannually. The existing state rule requires quarterly assessment monitoring.

2.3 Proposed rule amendments: The proposed rule amendments are intended to make the list of contaminants that MSWLFs must evaluate under assessment monitoring (if they trigger it) consistent with the list in the federal rule. Specifically, the proposed rule would add 2,3,7,8-Tetrachlorodibenzo-p-dioxin (CAS 1746-01-6) and alpha,alpha-Dimethylphenethylamine (CAS 122-09-8) to the Appendix III list of contaminants.

Only one requirement of the proposed and existing state rules differs from the federal rule: Quarterly rather than twice-yearly assessment monitoring. The proposed amendments mean that a landfill which triggers assessment monitoring **and** finds one or both contaminants in its initial assessment or during an annual assessment thereafter, would have to analyze for them twice more per year than the minimum under the federal rules. Landfills that do not find these poten-

tial pollutants in their preliminary or annual assessment monitoring are not required to analyze for them quarterly during the rest of the year. All of the other requirements of the proposed rule are the same as those in the existing rule, and we do not expect any additional changes in behavior to result from the proposed rule.

2.4 Monitoring costs: There are twenty-five landfills operating in Washington state that might be, or are, presently subject to groundwater assessment monitoring under the baseline. These landfills are open and accepting municipal solid waste, or were closed under the baseline rule and are subject to postclosure care requirements that include groundwater monitoring. Of these, twelve landfills are currently performing assessment monitoring.

As discussed in Chapter 2, the proposed rule will potentially generate only one change in behavior: An increase in monitoring of two events per year (four quarterly rather than two annual) for the two chemicals ecology is proposing to add to Appendix III of the rule language.

2.4.1 Number of wells: Table 1 summarizes the numbers and circumstances of wells for this analysis.

Table 1: Landfill monitoring wells

	Number of Wells
All wells at 25 facilities	235
Assessment monitoring currently in place	160
No current assessment monitoring	75

2.4.2 Testing costs: We contacted six labs requesting typical retail costs for analysis of 2,3,7,8-TCDD and Phentermine. Only two labs provided costs, consistent with one another and ecology's general expectation from professional experience. The estimated incremental costs were:

- Phentermine: This chemical is typically analyzed in conjunction with other pollutants of similar character. Labs performing assessment monitoring would be able to provide data with no significant additional cost.
- 2,3,7,8-TCDD: Estimated costs were \$425 from one lab, and between \$500 and \$570 from the other. The actual costs would vary depending on the matrix, the level of detection required, and the response time requested from the lab. For this analysis, we used the median estimate of \$500 per test.

If we assume that all facilities currently performing assessment monitoring will find dioxin in annual assessment monitoring events, then an additional one hundred sixty wells would be included at an additional \$500 cost twice per year. Ecology looks at a twenty year timeframe in its analysis (to include short- and long-term impacts), and this additional \$160 thousand annual cost translates to approximately **\$2.8 million in present value cost over twenty years** (2016 through 2035), at a real discount rate of 1.21 percent.¹

1 1.21 is the average risk-free rate of return on inflation-adjusted I-Bonds issued by the United States Treasury Department, since 1998. This time period includes various economic circumstances, including times of both exceptionally high and low rates of return that have occurred during good and bad economic times.

There are seventy-five remaining wells at facilities that are not currently performing assessment monitoring. While ecology believes it is unlikely that these additional wells will all enter assessment monitoring in the future, an additional seventy-five wells would increase costs proportionally by forty-seven percent, or \$1.3 million in present value testing costs over twenty years. For illustration, each additional well entering assessment monitoring would increase costs by less than one percent.

2.4.3 Labor costs: Monitoring requires additional professional and administrative effort as well, including:

- Taking samples.
- Analytic costs.
- Reporting and recordkeeping.

Sampling costs: We assumed that a professional engineer or environmental technician [needs] between fifteen and thirty minutes per well to take samples. As additional monitoring would only be necessary at landfills that are already performing assessment monitoring, we did not include costs such as travel to the landfill, as they would already be incurred under the baseline. It is important to note that only 2,3,7,8-TCDD monitoring would require additional sampling, as sampling for Phentermine testing would already be covered by existing sampling for semi-volatile contaminants under the baseline.

The median wage for environmental engineers is currently \$43.36 per hour, and is \$31.74 per hour for environmental technicians.² As this activity is likely to be performed as part of regular internal job duties, we did not include an overhead premium.

2 United States Bureau of Labor Statistics (2014). May 2014 State Occupational Employment and Wage Estimates for Washington. Inflation adjustment of -0.08 percent from \$43.71 and \$32, respectively.

Total sampling costs for one hundred sixty wells at the wages and times above lead to an estimated annual cost of approximately \$2,500 [\$2,500] to \$6,900 per year. Ecology looks at a twenty year timeframe in its analysis (to include short- and long-term impacts), and this additional annual cost translates to an approximate **\$45 thousand to \$123 thousand in present value cost over twenty years** (2016 through 2035), at a real discount rate of 1.21 percent.³

3 1.21 is the average risk-free rate of return on inflation-adjusted I-Bonds issued by the United States Treasury Department, since 1998. This time period includes various economic circumstances, including times of both exceptionally high and low rates of return that have occurred during good and bad economic times.

There are seventy-five remaining wells at facilities that are not currently performing assessment monitoring. While ecology believes it is unlikely that these additional wells will all enter assessment monitoring in the future, an additional seventy-five wells would increase costs proportionally by

forty-seven percent, or \$21 thousand to \$57 thousand in present value sampling costs over twenty years. For illustration, each additional well entering assessment monitoring would increase costs by less than one percent.

Analytical costs: Analytic labor costs for this analysis were assumed to be included in lab costs, discussed above in section 3.2.2. The lab would perform all necessary analytic work for the landfill.

Reporting and recordkeeping costs: We conservatively assumed an environmental technician or professional engineer would require an additional thirty minutes to one hour, per well, per additional monitoring event, for recordkeeping and reporting.

The median wage for environmental engineers is currently \$43.36 per hour, and is \$31.74 per hour for environmental technicians.⁴ As this activity is likely to be performed as part of regular internal job duties, we did not include an overhead premium.

⁴ United States Bureau of Labor Statistics (2014). May 2014 State occupational employment and wage estimates for Washington. Inflation adjustment of -0.08 percent from \$43.71 and \$32, respectively.

Total recordkeeping and reporting costs for one hundred sixty wells at the wages and times above lead to an estimated annual cost of approximately \$5,100 to \$13,900 per year. Ecology looks at a twenty year timeframe in its analysis (to include short- and long-term impacts), and this additional annual cost translates to an approximate **\$90 thousand to \$245 thousand in present value cost over twenty years** (2016 through 2035), at a real discount rate of 1.21 percent.⁵

⁵ 1.21 is the average risk-free rate of return on inflation-adjusted I-Bonds issued by the United States Treasury Department, since 1998. This time period includes various economic circumstances, including times of both exceptionally high and low rates of return that have occurred during good and bad economic times.

There are seventy-five remaining wells at facilities that are not currently performing assessment monitoring. While ecology believes it is unlikely that these additional wells will all enter assessment monitoring in the future, an additional seventy-five wells would increase costs proportionally by forty-seven percent, or \$42 thousand to [\$]115 thousand in present value reporting and recordkeeping costs over twenty years. For illustration, each additional well entering assessment monitoring would increase costs by less than one percent.

2.5 Summary of the likely compliance costs of the proposed rule amendments: We estimated the costs of requiring an additional two samples per year under assessment monitoring for the two pollutants proposed to be added to the state rule. There are two important assumptions here. First, we did not speculate on landfills that might be required to monitor in the future. While this may under predict costs, we also did not account for landfills that would complete assessment monitoring and drop out of the calculation. Further, it seems unlikely that all facilities will eventually be required to perform assessment monitoring, and even if so, certainly not for dioxin in every case. Secondly, for those landfills currently performing assessment monitoring, we assumed that all wells not currently analyzed for dioxin would have to be analyzed an additional two times per year. Ecology expects few to find dioxin. Therefore, the estimates below are very conservative (high end costs). Table 2 summarizes those costs of the proposed rule.

Table 2: Costs of the proposed rules compared to the baseline

Cost	Annual		20-year Present Value	
	Low	High	Low	High
Lab analysis	\$160,000	\$160,000	\$2.8 million	\$2.8 million
Sampling	\$2,500	\$6,900	\$45 thousand	\$123 thousand
Recordkeeping and reporting	\$5,100	\$13,900	\$90 thousand	\$245 thousand
TOTAL	\$168,600	\$180,800	\$3 million	\$3.2 million

Section 3: Quantification of Cost Ratios:

3.1 Introduction: This analysis would normally estimate and compare the compliance costs per employee at small versus large (the largest ten percent) businesses. The proposed rule does not, however, impose new costs on small businesses. We describe, in this section, the affected and unaffected businesses, and make the required comparison of costs per employee at large businesses, to the zero new compliance cost to small businesses under the proposed rule.

3.2 Affected businesses: Most MSWLFs are owned and operated by government entities (cities, counties, federal government), but five are owned and operated by private businesses, and one of these is a small business. The small business is not currently in assessment monitoring. This

means that the proposed rule does not impose costs on small businesses, as they currently exist and operate.

3.3 Cost-to-employee ratios: Ecology found constant ranges of compliance costs, based on the total number of wells sampled (see Section 2). The number of wells actually affected at a large facility is difficult to determine, due to different types of well[s], as well as multiple-use wells. Consequently, we estimated costs across all twenty-five facilities, based on the total number of wells.

Table 3: Total costs of the proposed rule compared to the baseline

	Annual		20-year Present Value	
	Low	High	Low	High
Total cost for all landfills	\$92,000	\$99,000	\$1,600,000	\$1,800,000
Minimum cost per employee (small business)	\$0	\$0	\$0	\$0
Maximum cost per employee (large business)	\$78	\$78	\$1,000	\$1,400

The proposed rule does not impose disproportionately large costs on existing small businesses in an industry.

Section 4: Actions Taken to Reduce the Impact of the Rule on Small Businesses: The proposed rule does not impose disproportionately large costs on small businesses. Ecology is therefore not required to include cost-mitigating elements in the proposed rule.

Section 5: The Involvement of Small Businesses and Local Government in the Development of the Proposed Rule: Ecology involved landfill owners and operators in the development of this limited rule making. A list of affected facilities is provided in the table below. Ecology also notified more than two hundred members of a listserv specifically maintained for those interested in revisions to chapter 173-351 WAC.

Landfill Facility	Owner	Public/Private
Asotin County Regional Landfill	Asotin County	Public
Cedar Hills	King County	Public
Cheyne Landfill	Yakima County	Public
Closed Ryegrass Balefill Landfill	Kittitas County	Public
Cowlitz County Hqtrs. Rd LF, (Cowlitz; LP).	Cowlitz County	Public
Cowlitz County Tenant Way	Cowlitz County	Public
Delano Landfill	Regional Board of Mayors of the Grand Coulee Dam Area	Public
Ephrata Landfill	Grant County	Public
Fort Lewis LF5	U.S. Army	Public/Federal
Greater Wenatchee Regional Landfill	Waste Management	Private
LRI Hidden Valley Landfill	Waste Connections	Private
LRI/304th Street	Waste Connections	Private
New Waste Landfill	New Waste Landfill Inc.	Private
Northside Landfill	City of Spokane	Public
Okanogan Central Landfill	Okanogan County	Public
Olympic View Landfill	Waste Management	Private
Port Angeles	City of Port Angeles	Public
Richland Horn Rapids Landfill	City of Richland	Public
Roosevelt Regional Landfill	Allied Waste	Public
Stevens County Landfill	Stevens County	Public
Sudbury Regional Landfill	City of Walla Walla	Public
Tacoma City Municipal Landfill	City of Tacoma	Public
Terrace Heights Landfill	City of Yakima	Public
Thurston Co./Hawks Prairie	Thurston County	Public
Vashon Island	King County	Public

Section 6: The SIC Codes of Impacted Industries: The SIC (Standard Industry Classification) system has long been replaced by the North American Industry Classification System (NAICS). The proposed rule specifically applies to landfills, NAICS code 5622.

Section 7: Impacts on Jobs: We used the Washington state office of financial management's 2002 Washington input-output model (OFM-IO) to estimate the proposed rule's first-round impact on jobs across the state. This methodology estimates the impact as reductions or increases in spending in certain sectors of the state economy flow through to pur-

chases, suppliers, and demand for other goods. Compliance costs incurred by an industry are entered in the OFM-IO model as a decrease in spending and investment. If that money is spent in another industry (in this case, it is in part spent on laboratory analysis), it is entered in the model as an increase in production.

We estimated that there would be relatively little net change in jobs, statewide over twenty years. This is because the majority of compliance costs are a transfer to the testing laboratory industry. The precise number estimated by the model is **between a gain of 0.33 and a loss of nearly four FTEs for the duration of the analysis.** This likely small impact is due to the proposed rule's direct compliance costs, based on the total present-value costs to landfills, and the transfer of some payments to laboratories. This includes direct job impacts in the landfill industry, as well as indirect impacts to all other private industry in the state.

As with transfers of funds across industries, while there is likely to be a job loss of fewer than four FTEs statewide, the model also estimates primarily losses of between twenty-four and twenty-six FTEs in waste management jobs, and gains of nineteen laboratory services-related jobs, as well as their employment spending on retail goods, healthcare, and food good[s] and services adding to approximately five jobs across multiple industries.

A copy of the statement may be obtained by contacting Kirsten Miller, Washington State Department of Ecology, Waste 2 Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6707, fax (360) 407-6102, e-mail kirsten.miller@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Kirsten Miller, Washington State Department of Ecology, Waste 2 Resources Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6707, fax (360) 407-6102, e-mail kirsten.miller@ecy.wa.gov.

July 15, 2015
 Polly Zehm
 Deputy Director

AMENDATORY SECTION (Amending WSR 12-23-009, filed 11/8/12, effective 12/9/12)

WAC 173-351-990 Appendices.

APPENDIX I

Appendix I - Constituents for Detection Monitoring

	COMMON NAME ¹	CAS RN ²
Inorganic Constituents		
1)	Antimony	(Total)
2)	Arsenic	(Total)
3)	Barium	(Total)
4)	Beryllium	(Total)
5)	Cadmium	(Total)
6)	Chromium	(Total)
7)	Cobalt	(Total)

	COMMON NAME ¹	CAS RN ²
Inorganic Constituents		
8)	Copper	(Total)
9)	Lead	(Total)
10)	Nickel	(Total)
11)	Selenium	(Total)
12)	Silver	(Total)
13)	Thallium	(Total)
14)	Vanadium	(Total)
15)	Zinc	(Total)
16)	Nitrate	
Organic Constituents		
17)	Acetone	67-64-1
18)	Acrylonitrile	107-13-1
19)	Benzene	71-43-2
20)	Bromochloromethane	74-97-5
21)	Bromodichloromethane	75-27-4
22)	Bromoform; Tribromomethane	75-25-2
23)	Carbon disulfide	75-15-0
24)	Carbon tetrachloride	56-23-5
25)	Chlorobenzene	108-90-7
26)	Chloroethane; Ethyl chloride	75-00-3
27)	Chloroform; Trichloromethane	67-66-3
28)	Dibromochloromethane; Chlorodibromomethane	124-48-1
29)	1,2-Dibromo-3-chloropropane; DBCP	96-12-8
30)	1,2-Dibromoethane; Ethylene dibromide; EDB	106-93-4
31)	o-Dichlorobenzene; 1,2-Dichlorobenzene	95-50-1
32)	p-Dichlorobenzene; 1,4-Dichlorobenzene	106-46-7
33)	trans-1,4-Dichloro-2-butene	110-57-6
34)	1,1-Dichloroethane; Ethylidene chloride	75-34-3
35)	1,2-Dichloroethane; Ethylene dichloride	107-06-2
36)	1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride	75-35-4
37)	cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene	156-59-2
38)	trans-1,2-Dichloroethylene; trans-1,2-Dichloroethene	156-60-5
39)	1,2-Dichloropropane; Propylene dichloride	78-87-5

COMMON NAME ¹	CAS RN ²
Inorganic Constituents	
40) cis-1,3-Dichloropropene	10061-01-5
41) trans-1,3-Dichloropropene	10061-02-6
42) Ethylbenzene	100-41-4
43) 2-Hexanone; Methyl butyl ketone	591-78-6
44) Methyl bromide; Bromomethane	74-83-9
45) Methyl chloride; Chloromethane	74-87-3
46) Methylene bromide; Dibromomethane	74-95-3
47) Methylene chloride; Dichloromethane	75-09-2
48) Methyl ethyl ketone; MEK; 2-Butanone	78-93-3
49) Methyl iodide; Iodomethane	74-88-4
50) 4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1
51) Styrene	100-42-5
52) 1,1,1,2-Tetrachloroethane	630-20-6
53) 1,1,2,2-Tetrachloroethane	79-34-5
54) Tetrachloroethylene; Tetrachloroethene; Perchloroethylene	127-18-4
55) Toluene	108-88-3
56) 1,1,1-Trichloroethane; Methyl chloroform	71-55-6
57) 1,1,2-Trichloroethane	79-00-5
58) Trichloroethylene; Trichloroethene	79-01-6
59) Trichlorofluoromethane; CFC-11	75-69-4
60) 1,2,3-Trichloropropane	96-18-4

COMMON NAME ¹	CAS RN ²
Inorganic Constituents	
61) Vinyl acetate	108-05-4
62) vinyl chloride	75-01-4
63) Xylenes	1330-20-7

¹ Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.
² Chemical Abstracts Service registry number.

**APPENDIX II
GROUNDWATER QUALITY PARAMETERS**

Field Parameters

- pH
- specific conductance
- temperature
- static water level

Geochemical Indicator Parameters

Calcium (Ca)	Sodium (Na)
Bicarbonate (HCO ₃)	Chloride (Cl)
Magnesium (Mg)	Potassium (K)
Sulfate (SO ₄)	Alkalinity (as Ca CO ₃)
Total suspended solids (TSS)	Iron (Fe) (Dissolved)
	Manganese (Mn) (Dissolved)

Leachate Indicators

- Ammonia (NH₃-N)
- Total Organic Carbon (TOC)
- Total Dissolved Solids (TDS)

**APPENDIX III
List of Hazardous Inorganic and Organic Constituents.**

Common Name ¹	CAS RN ²	Chemical abstracts service index name ³
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-
Acenaphthylene	208-96-8	Acenaphthylene
Acetone	67-64-1	2-Propanone
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile
Acetophenone	98-86-2	Ethanone, 1-phenyl-
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl-
Acrolein	107-02-8	2-Propenal
Acrylonitrile	107-13-1	2-Propenenitrile
Aldrin	309-00-2	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-(1α,4α,4aβ,5α,8α,8aβ)-
Allyl chloride	107-05-1	1-Propene, 3-chloro-
4-Aminobiphenyl	92-67-1	[1,1 1 -Biphenyl]-4-amine

Common Name ¹	CAS RN ²	Chemical abstracts service index name ³
Anthracene	120-12-7	Anthracene
Antimony	(Total)	Antimony
Arsenic	(Total)	Arsenic
Barium	(Total)	Barium
Benzene	71-43-2	Benzene
Benzo[a]anthracene; Benzanthracene	56-55-3	Benz[a]anthracene
Benzo[b]fluoranthene	205-99-2	Benz[e]acephenanthrylene
Benzo[k]fluoranthene	207-08-9	Benzo[k]fluoranthene
Benzo[ghi]perylene	191-24-2	Benzo[ghi]perylene
Benzo[a]pyrene	50-32-8	Benzo[a]pyrene
Benzyl alcohol	100-51-6	Benzenemethanol
Beryllium	(Total)	Beryllium
alpha-BHC	319-84-6	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 β ,6 β)-
beta-BHC	319-85-7	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 β ,3 α ,4 β ,5 α ,6 β)-
delta-BHC	319-86-8	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 α ,4 β ,5 α ,6 β)-
gamma-BHC; Lindane	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1 α ,2 α ,3 β ,4 α ,5 α ,6 β)-
Bis(2-chloroethoxy)methane	111-91-1	Ethane, 1,1 1 -[methylenebis(oxy)]bis[2-chloro-
Bis(2-chloroethyl) ether; Dichloroethyl ether	111-44-4	Ethane, 1,1 1 -oxybis[2-chloro-
Bis-(2-chloro-1-methylethyl) ether; 2,2 1 - Dichlorodiisopropyl ether;	108-60-1	Propane, 2,2 1 -oxybis[1-chloro-
DCIP, See note 4		
Bis(2-ethylhexyl) phthalate	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
Bromochloromethane; Chlorobromomethane	74-97-5	Methane, bromochloro-
Bromodichloromethane; Dibromochloromethane	75-27-4	Methane, bromodichloro-
Bromoform; Tribromomethane	75-25-2	Methane, tribromo-
4-Bromophenyl phenyl ether	101-55-3	Benzene, 1-bromo-4-phenoxy-
Butyl benzyl phthalate; Benzyl butyl phthalate	85-68-7	1,2-Benzenedicarboxylic acid, butyl phenyl-methyl ester
Cadmium	(Total)	Cadmium
Carbon disulfide	75-15-0	Carbon disulfide
Carbon tetrachloride	56-23-5	Methane, tetrachloro-
Chlordane	See Note 5	4,7-Methano-1H-indene, 1,2,4,5, 6,7,8,8-octachloro-2,3,3a,4,7, 7a-hexahydro-
p-Chloroaniline	106-47-8	Benzenamine, 4-chloro-
Chlorobenzene	108-90-7	Benzene, chloro-
Chlorobenzilate	510-15-6	Benzenoacetic acid, 4-chloro- α -(4-chlorophenyl)- α -hydroxy-, ethyl ester
p-Chloro-m-cresol; 4-Chloro-3-methylphenol	59-50-7	Phenol, 4-chloro-3-methyl-
Chloroethane; Ethyl chloride	75-00-3	Ethane, chloro-

Common Name ¹	CAS RN ²	Chemical abstracts service index name ³
Chloroform; Trichloromethane	67-66-3	Methane, trichloro-
2-Chloronaphthalene	91-58-7	Naphthalene, 2-chloro-
2-Chlorophenol	95-57-8	Phenol, 2-chloro-
4-Chlorophenyl phenyl ether	7005-72-3	Benzene, 1-chloro-4-phenoxy-
Chloroprene	126-99-8	1,3-Butadiene, 2-chloro-
Chromium	(Total)	Chromium
Chrysene	218-01-9	Chrysene
Cobalt	(Total)	Cobalt
Copper	(Total)	Copper
m-Cresol; 3-methylphenol	108-39-4	Phenol, 3-methyl-
o-Cresol; 2-methylphenol	95-48-7	Phenol, 2-methyl-
p-Cresol; 4-methylphenol	106-44-5	Phenol, 4-methyl-
Cyanide	57-12-5	Cyanide
2,4-D; 2,4-Dichlorophenoxyacetic acid	94-75-7	Acetic acid, (2,4-dichlorophenoxy)-
4,4'-DDD	72-54-8	Benzene 1,1 1 -(2,2-dichloroethylidene)bis[4-chloro-
4,4'-DDE	72-55-9	Benzene, 1,1 1 -(dichloroethylenylidene)bis[4-chloro-
4,4'-DDT	50-29-3	Benzene, 1,1 1 -(2,2,2-trichloroethylidene)bis[4-chloro-
Diallate	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-,S-(2,3-dichloro-2-propenyl) ester
Dibenz[a,h]anthracene	53-70-3	Dibenz[a,h]anthracene
Dibenzofuran	132-64-9	Dibenzofuran
Dibromochloromethane; Chlorodibromomethane	124-48-1	Methane, dibromochloro-
1,2-Dibromo-3-chloropropane; DBCP	96-12-8	Propane, 1,2-dibromo-3-chloro-
1,2-Dibromoethane; Ethylene dibromide; EDB	106-93-4	Ethane, 1,2-dibromo-
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
o-Dichlorobenzene; 1,2-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-
m-Dichlorobenzene; 1,3-Dichlorobenzene	541-73-1	Benzene, 1,3-Dichloro-
p-Dichlorobenzene; 1,4-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-
3,3'-Dichlorobenzidine	91-94-1	[1,1 1 -Biphenyl]-4,4 1 -diamine, 3,3 1 -dichloro-
trans-1,4-Dichloro-2-butene	110-57-6	2-Butene, 1,4-dichloro-, (E)-
Dichlorodifluoromethane; CFC 12;	75-71-8	Methane, dichlorodifluoro-
1,1-Dichloroethane; Ethylidene chloride	75-34-3	Ethane, 1,1-dichloro-
1,2-Dichloroethane; Ethylene dichloride	107-06-2	Ethane, 1,1-dichloro-
1,1-Dichloroethylene; 1,1-Dichloroethene; Vinylidene chloride	75-35-4	Ethene, 1,1-dichloro-
cis-1,2-Dichloroethylene; cis-1,2-Dichloroethene	156-59-2	Ethene, 1,2-dichloro-, (Z)-
trans-1,2-Dichloroethylene; trans-1,2-Dichloroethene	156-60-5	Ethene, 1,2-dichloro-, (E)-
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-

Common Name ¹	CAS RN ²	Chemical abstracts service index name ³
1,2-Dichloropropane; Propylene dichloride	78-87-5	Propane, 1,2-dichloro-
1,3-Dichloropropane; Trimethylene dichloride	142-28-9	Propane, 1,3-dichloro-
2,2-Dichloropropane; Isopropylidene chloride	594-20-7	Propane, 2,2-dichloro-
1,1-Dichloropropene	563-58-6	1-Propene, 1,1-dichloro-
cis-1,3-Dichloropropene	10061-01-5	1-Propene, 1,3-dichloro-, (Z)-
trans-1,3-Dichloropropene	10061-02-6	1-Propene, 1,3-dichloro-, (E)-
Dieldrin	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexa, chloro-1a,2,2a,3,6,6a,7,7a-octa- hydro-, (1 α ,2 β ,2 α ,3 β ,6 β , 6 α ,7 β ,7 α)-
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
0,0-Diethyl 0-2-pyrazinyl phosphorothioate; Thionazin	297-97-2	Phosphorothioic acid, 0,0-diethyl 0-pyrazinyl ester
Dimethoate	60-51-5	Phosphorodithioic acid, 0,0-dimethyl S-[2- (methylamino)-2-oxoethyl] ester
p-(Dimethylamino)azobenzene	60-11-7	Benzenamine, N,N-dimethyl-4-(phenylazo)-
7,12-Dimethylbenz[a]anthracene	57-97-6	Benz[a]anthracene, 7,12-dimethyl-
3,3'-Dimethylbenzidine	119-93-7	[1,1 1 -Biphenyl]-4,4 1 -diamine, 3,3 1 -dimethyl-
<u>alpha, alpha-Dimethylphenethylamine</u>	<u>122-09-8</u>	<u>Benzenethanamine, α,α-dimethyl-</u>
2,4-Dimethylphenol; m-Xylenol	105-67-9	Phenol, 2,4-dimethyl-
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
m-Dinitrobenzene	99-65-0	Benzene, 1,3-dinitro-
4,6-Dinitro-o-cresol 4,6-Dinitro-2-methylphe- nol	534-52-1	Phenol, 2-methyl-4,6-dinitro
2,4-Dinitrophenol;	51-28-5	Phenol, 2,4-dinitro-
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-
Dinoseb; DNBP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
Diphenylamine	122-39-4	Benzenamine, N-phenyl-
Disulfoton	298-04-4	Phosphorodithioic acid, 0,0-diethyl S-[2-(eth- ylthio)ethyl] ester
Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexa-chloro-1,5,5a,6,9,9a-hexahy- dro-, 3-oxide,
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10, 10-hexa- chloro-1,5,5a,6,9,9a-hexahydro-, 3- oxide, (3 α ,5 α , 6 β ,9 β ,9 α)-
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10, 10-hexa- chloro-1,5,5a,6,9,9a-hexahydro-,3-3- dioxide
Endrin	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octa- hydro-, (1 α , 2 β ,2 α β ,3 α ,6 α , 6 α β ,7 β ,7 α)-
Endrin aldehyde	7421-93-4	1,2,4-Methenocyclopenta[cd]pentalene-5-carbox- aldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (1 α ,2 β , 2 α β ,4 β ,4 α β ,5 β ,6 α β ,6 β ,7R*)-

Common Name ¹	CAS RN ²	Chemical abstracts service index name ³
Ethylbenzene	100-41-4	Benzene, ethyl-
Ethyl methacrylate	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
Ethyl methanesulfonate	62-50-0	Methanesulfonic acid, ethyl ester
Famphur	52-85-7	Phosphorothioic acid, 0-[4-[(dimethylamino)sulfonyl]phenyl] 0,0-dimethyl ester
Fluoranthene	206-44-0	Fluoranthene
Fluorene	86-73-7	9H-Fluorene
Heptachlor	76-44-8	4,7-Methano-1H-indene, 1,4,5,6, 7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
Heptachlor epoxide	1024-57-3	2,5-Methano-2H-indeno[1,2-b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a,1b,5,5a,6,6a-hexahydro-, (1 α , 1b β , 2 α , 5 α , 5a β , 6 β , 6a α)
Hexachlorobenzene	118-74-1	Benzene, hexachloro-
Hexachlorobutadiene	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
Hexachlorocyclopentadiene	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5, 5-hexachloro-
Hexachloroethane	67-72-1	Ethane, hexachloro-
Hexachloropropene	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
2-Hexanone; Methyl butyl ketone	591-78-6	2-Hexanone
Indeno(1,2,3-cd)pyrene	193-39-5	Indeno(1,2,3-cd)pyrene
Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-
Isodrin	465-73-6	1,4,5,8-Dimethanonaphthalene, 1, 2,3,4,10,10-hexachloro-1,4,4a, 5,8,8a hexahydro- (1 α ,4 α ,4a β , 5 β ,8 β ,8a β)-
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5-trimethyl-
Isosafrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
Kepone	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1, 1a,3,3a,4,5,5,5a,5b,6-decachlorooctahydro-
Lead	(Total)	Lead
Mercury	(Total)	Mercury
Methacrylonitrile	126-98-7	2-Propenenitrile, 2-methyl-
Methapyrilene	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N 1 -2-pyridinyl-N1/2-thienylmethyl)-
Methoxychlor	72-43-5	Benzene, 1,1 1 -(2,2,2, trichloroethylidene)bis[4-methoxy-
Methyl bromide; Bromomethane	74-83-9	Methane, bromo-
Methyl chloride; Chloromethane	74-87-3	Methane, chloro-
3-Methylcholanthrene	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-
Methyl ethyl ketone; MEK; 2-Butanone	78-93-3	2-Butanone
Methyl iodide; Iodomethane	74-88-4	Methane, iodo-
Methyl methacrylate	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester
Methyl methanesulfonate	66-27-3	Methanesulfonic acid, methyl ester
2-Methylnaphthalene	91-57-6	Naphthalene, 2-methyl-
Methyl parathion; Parathion methyl	298-00-0	Phosphorothioic acid, 0,0-dimethyl
4-Methyl-2-pentanone; Methyl isobutyl ketone	108-10-1	2-Pentanone, 4-methyl-
Methylene bromide; Dibromomethane	74-95-3	Methane, dibromo-

Common Name ¹	CAS RN ²	Chemical abstracts service index name ³
Methylene chloride; Dichloromethane	75-09-2	Methane, dichloro-
Naphthalene	91-20-3	Naphthalene
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione
1-Naphthylamine	134-32-7	1-Naphthalenamine
2-Naphthylamine	91-59-8	2-Naphthalenamine
Nickel	(Total)	Nickel
o-Nitroaniline; 2-Nitroaniline	88-74-4	Benzenamine, 2-nitro-
m-Nitroaniline; 3-Nitroaniline	99-09-2	Benzenamine, 3-nitro-
p-Nitroaniline; 4-Nitroaniline	100-01-6	Benzenamine, 4-nitro-
Nitrobenzene	98-95-3	Benzene, nitro-
o-Nitrophenol; 2-Nitrophenol	88-75-5	Phenol, 2-nitro-
p-Nitrophenol; 4-Nitrophenol	100-02-7	Phenol, 4-nitro-
N-Nitrosodi-n-butylamine	924-16-3	1-Butanamine, N-butyl-N-nitroso-
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-
N-Nitrosodipropylamine; N-Nitroso-N-dipropylamine; Di-n-propylnitrosamine	621-64-7	1-Propanamine, N-nitroso-N-propyl-
N-Nitrosomethylethylamine	10595-95-6	Ethanamine, N-methyl-N-nitroso-
N-Nitrosopiperidine	100-75-4	Piperidine, 1-nitroso-
N-Nitrosopyrrolidine	930-55-2	Pyrrolidine, 1-nitroso-
5-Nitro-o-toluidine	99-55-8	Benzenamine, 2-methyl-5-nitro-
Parathion	56-38-2	Phosphorothioic acid, 0,0-diethyl 0-(4-nitrophenyl) ester
Pentachlorobenzene	608-93-5	Benzene, pentachloro-
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-
Pentachlorophenol	87-86-5	Phenol, pentachloro-
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)
Phenanthrene	85-01-8	Phenanthrene
Phenol	108-95-2	Phenol
p-Phenylenediamine	106-50-3	1,4-Benzenediamine
Phorate	298-02-2	Phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester
Polychlorinated biphenyls; PCBs; Aroclors	See Note 6	1,1'-Biphenyl, chloro derivatives
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile
Pyrene	129-00-0	Pyrene
Safrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
Selenium	(Total)	Selenium
Silver	(Total)	Silver
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
Styrene	100-42-5	Benzene, ethenyl-
Sulfide	18496-25-8	Sulfide

Common Name ¹	CAS RN ²	Chemical abstracts service index name ³
2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
<u>2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin</u>	<u>1746-01-6</u>	<u>Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-</u>
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-
1,1,2,2-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-
Tetrachloroethylene; Tetrachloroethene; Perchloroethylene	127-18-4	Ethene, tetrachloro-
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-
Thallium	(Total)	Thallium
Tin	(Total)	Tin
Toluene	108-88-3	Benzene, methyl-
o-Toluidine	95-53-4	Benzenamine, 2-methyl-
Toxaphene	See Note 7	Toxaphene
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-
1,1,1-Trichloroethane; Methylchloroform	71-55-6	Ethane, 1,1,1-trichloro-
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro-
Trichlorofluoromethane; CFC-11	75-69-4	Methane, trichlorofluoro-
2,4,5-Trichlorophenol	95-95-4	Phenol, 2,4,5-trichloro-
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-
0,0,0-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, 0,0,0-triethylester
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-
Vanadium	(Total)	Vanadium
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester
Vinyl chloride; Chloroethene	75-01-4	Ethene, chloro-
Xylene (total)	See Note 8	Benzene, dimethyl-
Zinc	(Total)	Zinc

Notes:

- 1 Common names are those widely used in government regulations, scientific publications, and commerce; synonyms exist for many chemicals.
- 2 Chemical Abstracts Service registry number. Where "Total" is entered, all species in the groundwater that contain this element are included.
- 3 CAS index are those used in the 9th Collective Index.
- 4 This substance is often called Bis(2-chloroisopropyl) ether, the name Chemical Abstracts Service applies to its noncommercial isomer, Propane, 2,2"-oxybis[2-chloro- (CAS RN 39638-32-9).
- 5 Chlordane: This entry includes alpha-chlordane (CAS RN 5103-71-9), beta-chlordane (CAS RN 5103-74-2), gamma-chlordane (CAS RN 5566-34-7), and constituents of chlordane (CAS RN 57-74-9 and CAS RN 12789-03-6).
- 6 Polychlorinated biphenyls (CAS RN 1336-36-3); this category contains congener chemicals, including constituents of Aroclor 1016 (CAS RN 12674-11-2), Aroclor 1221 (CAS RN 11104-28-2), Aroclor 1232 (CAS RN 11141-16-5), Aroclor 1242 (CAS RN 53469-21-9), Aroclor 1248 (CAS RN 12672-29-6), Aroclor 1254 (CAS RN 11097-69-1), and Aroclor 1260 (CAS RN 11096-82-5).
- 7 Toxaphene: This entry includes congener chemicals contained in technical toxaphene (CAS RN 8001-35-2), i.e., chlorinated camphene.
- 8 Xylene (total): This entry includes o-xylene (CAS RN 96-47-6), m-xylene (CAS RN 108-38-3), p-xylene (CAS RN 106-42-3), and unspecified xylenes (dimethylbenzenes) (CAS RN 1330-20-7).

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 15-15-126
PROPOSED RULES
WASHINGTON STATE PATROL

[Filed July 17, 2015, 6:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-12-048.

Title of Rule and Other Identifying Information: Office hours for registered tow truck operators.

Hearing Location(s): General Administration Building, 210 11th Avenue S.W., Room G-3, Olympia, WA 98504, on August 26, 2015, at 8:30 a.m.

Date of Intended Adoption: August 27, 2015.

Submit Written Comments to: Shannon Bendiksen, Washington State Patrol, Motor Carrier Safety Division, P.O. Box 42614, Olympia, WA 98504, e-mail Shannon.bendiksen@wsp.wa.gov, fax (360) 596-3829, by August 21, 2015.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 14, 2015, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: With the passage of SB 5207 during the 2015 legislative session, the Washington state patrol is in need of updating its rules with regard to the office hours for registered tow truck operators.

Reasons Supporting Proposal: Provides clarifying language to the statute for implementation.

Statutory Authority for Adoption: RCW 46.55.115.

Statute Being Implemented: RCW 46.55.115.

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

Name of Proponent: Washington state patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Shannon Bendiksen, P.O. Box 42614, Olympia, WA 98504, (360) 596-3805; Implementation and Enforcement: Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, (360) 596-4000.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

SUMMARY OF PROPOSED RULES: The Washington state patrol, commercial vehicle enforcement bureau, motor carrier safety division, is proposing amendments to WAC 204-91A-120 Business office hours and records.

The proposed amendments to this section are to implement changes due to the passage of SB 5207 during the 2015 legislative session. The rules will outline the required notification regarding an office closure and documentation with regard to any request for vehicle redemption that may occur during that time period.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT (SBEIS)—DETERMINATION OF NEED: Chapter 19.85 RCW, the Regulatory Fairness Act, requires that the economic impact of proposed regulations be analyzed in relation to small businesses. The statute defines small businesses as those business entities that employ fifty or fewer people and are independently owned and operated.

These proposed rules impact towing businesses. These businesses fall under code number 488410 of the North American Industry Classification System.

Preparation of an SBEIS is required when a proposed rule has the potential of placing a disproportionate economic impact on small businesses. The statute outlines information that must be included in an SBEIS.

Commercial vehicle enforcement bureau has analyzed the proposed rule amendments and has determined that small businesses will potentially be impacted by these changes, with some costs considered "more than minor" and disproportionate to small businesses.

INVOLVEMENT OF SMALL BUSINESSES: The patrol developed some basic estimates for the impact that the proposed rules may have on tow businesses. The impacts outlined below were developed based on estimates and will be shared with the tow businesses for their review and comment.

COST OF COMPLIANCE: Under chapter 19.85 RCW, commercial vehicle enforcement bureau has considered annual costs to small businesses for requiring employees to be available during their lunch hour.

Current statute required that the business be open between the hours of 8 a.m. and 5 p.m. Under current regulations, tow companies must ensure the proper staffing to maintain business hours throughout the entire day. The change to the RCW and subsequently the proposed rules allows for a small business to close for an hour lunch provided that they are available to release an impound within a half hour.

The proposed rules outline logging requirements for calls received during the lunch hour for the purpose of calculating storage fees based on the changes under RCW 46.55.060 in SB 5207. It is anticipated that businesses wishing to close during the lunch hour will need to get a sign that can be visible to the public. In addition, employees would need to be available during that time period at the designated number to return if there is a request to redeem a vehicle. Since companies are already required to be available 24/7 to redeem a vehicle, it is not anticipated that there will be a disproportionate cost to businesses with regard to employee availability during the lunch hour by phone, although companies will need to establish policies to adjust work schedules/hours based on the daily needs that may arise.

Disproportionate Economic Impact Analysis: When proposed rule changes cause more than minor costs to small businesses, the Regulatory Fairness Act requires an analysis that compares these costs between small businesses and ten percent of the largest businesses.

The commercial vehicle enforcement bureau looked at the disproportionate economic impact of these businesses and determined that there may be a larger impact on smaller businesses who have less employees because they are more likely to completely close during the hour lunch due to having less employees and therefore may be more impacted by the requirements under the statute to be available during that time.

Mitigating Costs: The commercial vehicle enforcement bureau is working through the proposed rules with the industry to mitigate the impacts to the RCW changes by clarifying in the WAC adjustments that can be made if an employee gets called to release a vehicle during that time.

JOBS CREATED OR LOST: The commercial vehicle enforcement bureau does not anticipate that any jobs will be lost as a result of small businesses complying with these rules.

CONCLUSION: Commercial vehicle enforcement bureau has given careful consideration to the impact of proposed rules in WAC 204-91-120 on small businesses. To comply with the Regulatory Fairness Act, chapter 19.85 RCW, commercial vehicle enforcement bureau has analyzed impacts on small businesses and proposed ways to mitigate potential costs considered more than minor and disproportionate.

Please contact Lieutenant Shannon Bendiksen if you have any questions at (360) 596-4019.

A copy of the statement may be obtained by contacting Melissa Van Gorkom, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Melissa Van Gorkom, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

July 13, 2015
John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 09-09-118, filed 4/21/09, effective 5/22/09)

WAC 204-91A-120 Business office hours and records. (1) Business hours ~~((for purposes of inspection of records, place of business, and towing equipment must be 8 a.m. to 5 p.m., excluding weekends and state recognized holidays))~~ will be in accordance with RCW 46.55.060(6). Businesses that close for an hour between 11:00 a.m. and 1:00 p.m. must:

(a) Notify the public of the designated hour that they intend to use on a daily basis which must be posted on the door with a telephone number at which personnel can be reached as required by RCW 46.55.060.

(b) Log daily the time in which the office is closed for the lunch hour.

(c) Remain accessible to law enforcement or department of licensing if they are in the process of performing an inspection or investigation. Adjustments to the designated hour may be made if an investigation or inspection occurs during the designated hour provided that:

(i) The adjusted time is taken between 11:00 a.m. and 1:00 p.m.;

(ii) Notice is provided at the door regarding the return time with a telephone number at which personnel can be reached as required per RCW 46.55.060; and

(iii) The total amount of time the business office is closed does not exceed one hour.

(2) The owner/operator must have personnel at the place of business during business hours to answer phone calls and to release vehicles and personal property. Persons from adjoining or neighboring businesses may not be used to meet

this requirement. Phones may not be forwarded to an answering service during normal business hours.

(3) When an operator is not open for business and does not have personnel present at the place of business, the operator must post a clearly visible telephone number at the business location to advise the public how to make contact for the release of vehicles or personal property.

(4) The owner/operator must maintain personnel who ~~((can be contacted))~~ must be:

(a) Available twenty-four hours a day to release impounded vehicles within a sixty-minute period of time. ((The personnel must be)) If personnel are contacted during the hour the business has designated to be closed under subsection (1) of this section, personnel must:

(i) Log the time of the call;

(ii) Return to the business within no more than one-half hour;

(iii) Calculate the storage fees based on the time of the call.

(b) Identifiable as representing the company.

(5) All billing invoices must be numbered and must contain the following information:

(a) Date of service and tow truck operator's name.

(b) Time of departure in response to the call.

(c) Time service completed.

(d) Class of tow truck.

(e) If the towing call is for a Washington state patrol request, another police agency, a private impound, or the result of a private citizen request.

(f) All fees for service must be itemized.

(g) The date and time the vehicle was released.

(6) Yard cards containing the information in subsection (5) of this section may be used for internal control of vehicles by the operator until the vehicle is released, sold, or otherwise disposed of. Yard cards are supplemental to, and do not replace the invoice required above.

(7) A copy of the invoice must be filed by invoice number at the business location and a copy of any voided invoice must be retained in this same file. Another copy of the invoice must be included with the transaction file items identified in RCW 46.55.150.

WSR 15-15-127

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed July 17, 2015, 6:32 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-12-049.

Title of Rule and Other Identifying Information: Emergency communications database.

Hearing Location(s): General Administration Building, 210 11th Avenue S.W., Room G-3, Olympia, WA 98504, on August 26, 2015, at 10:30 a.m.

Date of Intended Adoption: August 27, 2015.

Submit Written Comments to: Meagan Renick, Washington State Patrol, Communications Division, P.O. Box

42621, Olympia, WA 98504, e-mail Meagan.renick@wsp.wa.gov, fax (360) 704-2287, by August 21, 2015.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 14, 2015, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: With the passage of ESSB 5158 there is a need to adopt rules to provide clarification regarding timelines and formatting for reporting to the patrol.

Reasons Supporting Proposal: Provides clarifying language to the statute for implementation of the emergency communications database.

Statutory Authority for Adoption: Section 1, chapter 190, Laws of 2015.

Statute Being Implemented: Section 1, chapter 190, Laws of 2015.

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

Name of Proponent: Washington state patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Meagan Renick, P.O. Box 42621, Olympia, WA 98504, (360) 704-2283; Implementation and Enforcement: Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, (360) 596-4000.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no new impacts on businesses.

A cost-benefit analysis is not required under RCW 34.05.328. Not a significant rule as defined in RCW 34.05.-328 (5)(c)(iii).

July 13, 2015
John R. Batiste
Chief

Chapter 446-90 WAC

EMERGENCY TELECOMMUNICATIONS DATA BASE

NEW SECTION

WAC 446-90-010 Wireless telecommunication provider emergency contact information. (1) For the purpose of RCW 80.36.XXX (section 1, chapter 190, Laws of 2015) the following definitions will apply:

(a) "Emergency contact information" means a phone number at which an employee of a wireless telecommunications provider registered to do business in the state of Washington or a reseller of wireless telecommunications services is available twenty-four hours a day, seven days a week to provide information in its possession concerning the current or most recent location of a telecommunications device and call information of a user of the device when requested by law enforcement.

(b) "Immediately" means that updates must be provided to the Washington state patrol district 1 communications (Tacoma) within one hour of any contact information change.

(2) Emergency contact information required under RCW 80.36.XXX (section 1, chapter 190, Laws of 2015) must be

provided to the Washington state patrol via e-mail to: g-d-d1commsupervisors@wsp.wa.gov.

NEW SECTION

WAC 446-90-020 Address confidentiality program name information. The secretary of state will provide an updated PDF format list of names to the Washington state patrol on a daily basis, during normal office hours. The list will distinguish between those participants requesting disclosure and those who request nondisclosure to a law enforcement agency of the location of a telecommunications device and call information of the user as prescribed in RCW 40.24.070 by the addition of one column which will indicate a Y for disclosure or an N for nondisclosure.

WSR 15-15-128

PROPOSED RULES

WASHINGTON STATE PATROL

[Filed July 17, 2015, 6:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-12-046.

Title of Rule and Other Identifying Information: Chapter 204-10 WAC, Equipment standards.

Hearing Location(s): General Administration Building, 210 11th Avenue S.W., Room G-3, Olympia, WA 98504, on August 26, 2015, at 9:30 a.m.

Date of Intended Adoption: August 27, 2015.

Submit Written Comments to: Melissa Van Gorkom, Washington State Patrol, Equipment Standards Section, P.O. Box 42600, Olympia, WA 98504, e-mail wsprules@wsp.wa.gov, fax (360) 596-4015, by August 21, 2015.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 14, 2015, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to chapter 204-10 WAC include, but may not be limited to, format changes to change "shall" to "will" or "must" and clarification throughout the chapter. Updates to equipment standards to include adoption of new standards under Title 49 C.F.R. 571 and clarification with regard to windshields and bumpers. Updates to web site link and RCW references.

Reasons Supporting Proposal: Updates will reference current federal rules and provide cleanup to existing language.

Statutory Authority for Adoption: RCW 46.37.005.

Statute Being Implemented: RCW 46.37.005.

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

Name of Proponent: Washington state patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Michael Pry, P.O. Box 42600, Olympia, WA 98504, (360) 596-4019; Implementation and Enforcement: Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, (360) 596-4000.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no new impacts on businesses.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Melissa Van Gorkom, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

Cost-Benefit Analysis

SUMMARY OF PROPOSED RULES: The Washington state patrol, equipment and standards review unit, is proposing amendments to chapter 204-10 WAC, Equipment standards.

The proposed changes to the chapter include, but may not be limited to:

- Grammatical and formatting changes to meet code reviser requirements and to cleanup language.
- Removal of a redundant section.
- The addition of clarification language.
- The updating of web site links.
- Changes to the required height of windshields and bumpers.
- Addition of federal safety standards that need to be adopted.

EVALUATION OF PROBABLE COSTS AND PROBABLE BENEFITS: Since the proposed amendments "make significant amendments to a policy or regulatory program" under RCW 34.05.328 (5)(c)(iii), the equipment and standards review unit has determined the proposed rules to be "significant" as defined by the legislature.

As required by RCW 34.05.328 (1)(d), the equipment and standards review unit has analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs. Those impacted by these rules include: State troopers, commercial vehicle enforcement officers, VIN officers, Washington department of licensing, local law enforcement agencies, vehicle repair shops, vehicle manufacturers, and the motoring public.

COSTS: Equipment and standards review unit analysis revealed that new costs imposed by the proposed amendments would be only minor, if any costs at all.

BENEFITS: Several benefits will result from the adoption of the proposed amendments. These benefits include:

- Providing easier access to the Code of Federal Regulations by updating the web site links.
- Updating the language regarding the size of an installed windshield will ensure all motorists who have a windshield installed will be adequately protected by it.
- Providing clarification with regard to bumper height standards will ensure that the bumpers function as they are originally intended to function.

CONCLUSION: The equipment and standards review unit concludes that the probable benefits of the proposed rule amendments exceed the probable cost. The equipment and standards review unit has complied with the appropriate sections of the Administrative Procedure Act and is prepared to proceed with the rule-making process.

Please contact Michael Pry if you have any questions at (360) 596-4019.

July 13, 2015
John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 09-22-078, filed 11/3/09, effective 12/4/09)

WAC 204-10-014 Definitions. (1) "Eye glasses" means any spectacles, sunglasses, or goggles having two separately mounted lenses, ~~((but shall exclude))~~ excluding contact lenses.

(2) "Goggles" means an optical device worn ~~((before))~~ over the eyes, the predominant function of which is to protect the eyes without obstructing peripheral vision. They provide protection from the front and sides and may or may not form a complete seal with the face.

(3) "Face shield" means an eye protector attached to a helmet or headband(s) and which covers the wearer's eyes and face at least to a point approximately to the tip of the nose and whose predominant function is protection of the eyes.

(4) "FMVSS" means Federal Motor Vehicle Safety Standard, ~~((chapter))~~ Title 49 Code of Federal Regulations (C.F.R.) Part 571.

(5) "Headband" means ~~((that))~~ the part of ~~((the))~~ an eye protection device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto.

(6) "Motor vehicle" means passenger vehicles, multipurpose passenger vehicles, motorcycles, trucks, and buses which are intended for use on public highways, excluding commercial vehicles as defined under RCW 46.04.140.

(7) "Recognized manufacturer" means a person, firm, copartnership, association, or corporation who is or has engaged in the business of manufacturing motor vehicles intended for use on the public highways and offered for sale in interstate commerce.

(8) "Reflectorized warning device" means any device ~~((defined))~~ listed in RCW 46.37.450 or any device composed of a reflective sheeting material which consists of spherical lens elements embedded with a transparent plastic having a smooth, flat outer surface. The sheeting ~~((shall))~~ must be weather resistant and have a protected, low tac, precoated adhesive backing.

(9) "Reflex reflector" means a device that is used on vehicles to give an indication of presence to an approaching driver by reflecting light from the headlamps of the approaching vehicle.

(10) "SAE" means the Society of Automotive Engineers. Copies of the SAE Standards are available for review at the Washington State Patrol, 210 11th Avenue, Olympia, WA 98504, and may also be ordered from the Society of Automotive Engineers International, 400 Commonwealth Drive, Warrendale, PA 15086-7511.

(11) "Wheelchair conveyance" means any vehicle specially manufactured or designed for transportation of a physically or medically impaired person who is either wheelchair-bound or otherwise walking impaired. The vehicle may be a separate vehicle used in lieu of a wheelchair or a vehicle used

for transporting the impaired person who is simultaneously occupying a wheelchair.

AMENDATORY SECTION (Amending WSR 12-17-115, filed 8/21/12, effective 9/21/12)

WAC 204-10-021 Adoption of federal standards. The Washington state patrol adopts by reference Title 49 Code of Federal Regulations (C.F.R.) Part 571 Federal Motor Vehicle Safety Standards (FMVSS) for vehicle equipment standards. The patrol adopts the version of FMVSS in effect on the effective date of this section unless otherwise prescribed under state law. The FMVSS as outlined in Title 49 C.F.R. 571 are as follows:

1. 101 - Controls and displays.
2. 102 - Transmission shift (~~(lever)~~) position sequence, starter interlock, and transmission (~~(brake)~~) braking effect.
3. 103 - Windshield defrosting and defogging systems.
4. 104 - Windshield wiping and washing system.
5. 105 - Hydraulic and electric brake systems.
6. 106 - Brake hoses.
7. 108 - Lamps, reflective devices, and associated equipment.
8. 109 - New pneumatic and certain specialty tires.
9. 110 - Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less.
10. 111 - (~~(Rearview mirrors)~~) Rear visibility.
11. 113 - Hood latch system.
12. 114 - Theft protection and rollaway prevention.
13. 116 - Motor vehicle brake fluids.
14. 117 - Retreaded pneumatic tires.
15. 118 - Power-operated window, partition, and roof panel systems.
16. 119 - New pneumatic tires for (~~(vehicles other than passenger cars)~~) motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles.
17. 120 - Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds).
18. 121 - Air brake systems.
19. 122 - Motorcycle brake systems.
20. 122a - Motorcycle brake systems.
21. 123 - Motorcycle controls and displays.
- (24) 22. 124 - Accelerator control systems.
- (22) 23. 125 - Warning devices.
- (23) 24. 126 - Electronic stability control systems.
25. 129 - New non-pneumatic (~~(radial)~~) tires for (~~(light vehicles)~~) passenger cars.
- (24) 26. 131 - School bus pedestrian safety devices.
- (25) 27. 135 - Light vehicle brake systems.
- (26) 28. 138 - Tire pressure monitoring systems.
- (27) 29. 139 - New pneumatic radial tires for light vehicles.
- (28) 30. 201 - Occupant protection in interior impact.
- (29) 31. 202 - Head restraints; (~~(mandatory applicability begins on September 1, 2008)~~) Applicable at the manufacturer's option until September 1, 2009.

32. 202a - Head restraints: Mandatory applicability begins on September 1, 2009.

(30) 33. 203 - Impact protection for the driver from the steering control system.

(34) 34. 204 - Steering control rearward displacement.

(32) 35. 205 - Glazing materials.

(33) 36. 205a - Glazing equipment manufactured before September 1, 2006 and glazing materials used in vehicles manufactured before November 1, 2006.

37. 206 - Door locks and door retention components.

(34) 38. 207 - Seating systems.

(35) 39. 208 - Occupant crash protection.

(36) 40. 209 - Seat belt assemblies.

(37) 41. 210 - Seat belt assembly anchorages.

(38) 42. 212 - Windshield mounting.

(39) 43. 213 - Child restraint systems.

(40) 44. 214 - Side impact protection.

(41) 45. 216 - Roof crush resistance: Applicable unless a vehicle is certified to § 571.216a.

46. 216a - Roof crush resistance: Upgraded standard.

(42) 47. 217 - Bus emergency exits and window retention and release.

(43) 48. 218 - Motorcycle helmets.

(44) 49. 219 - Windshield zone intrusion.

(45) 50. 220 - School bus (~~(roll-over)~~) rollover protection.

(46) 51. 221 - School bus body joint strength.

(47) 52. 222 - School bus passenger seating and crash protection.

(48) 53. 223 - Rear impact guards.

(49) 54. 224 - Rear impact protection.

(50) 55. 225 - Child restraint anchorage systems.

(51) 56. 226 - Ejection mitigation.

57. 301 - Fuel system integrity.

(52) 58. 302 - Flammability of interior materials.

(53) 59. 303 - Fuel system integrity of compressed natural gas vehicles.

(54) 60. 304 - Compressed natural gas fuel container integrity.

(55) 61. 305 - Electric-powered vehicles: Electrolyte spillage and electrical shock protection.

(56) 62. 401 - (~~(Internal)~~) Interior trunk release.

(57) 63. 403 - Platform lift systems for motor vehicles.

(58) 64. 404 - Platform lift installations in motor vehicles.

(59) 65. 500 - Low-speed vehicles.

Links to 49 C.F.R. 571 are available (~~(on the Washington state patrol web site at www.wsp.wa.gov)~~) at www.ecfr.gov. Copies of the C.F.R. may also be ordered through the United States Government Printing Office, 732 N. Capitol Street N.W., Washington, D.C. 20401.

AMENDATORY SECTION (Amending WSR 12-03-085, filed 1/13/12, effective 2/13/12)

WAC 204-10-022 Body requirements. (1) Defroster and defogging devices: Every enclosed motor vehicle must be equipped with a device capable of defogging and defrosting the windshield area. Vehicles or exact replicas of vehicles

manufactured prior to January 1938 are exempt from this requirement.

(2) Door latches: Every enclosed motor vehicle equipped with side doors leading directly into a compartment that contains one or more seating accommodations must be equipped with door latches which firmly and automatically secure the door when pushed closed and which allow each door to be opened both from the inside and outside.

(3) Hoodlatches: A front opening hood must be equipped with a primary and a secondary latching system to hold the hood in a closed position.

Hoods are optional equipment on vehicles defined as street rod vehicles, custom vehicles and kit vehicles.

(4) Enclosed passenger compartment: A motor vehicle with an enclosed passenger compartment and powered by an internal combustion engine must be constructed to prevent the entry of exhaust fumes into the passenger compartment.

(5) Floor pan: A motor vehicle must be equipped with a floor pan under the entire passenger compartment capable of supporting the weight of the number of occupants that the vehicle is designed to carry.

(6) Bumpers: A motor vehicle must be equipped with a bumper on both the front and rear of the vehicle with the exception of motor vehicles where the original or predominant body configuration, provided by a recognized manufacturer, did not include such bumper or bumpers in the design of the vehicle. For the relevant model year, bumpers must accommodate recognized manufacturer impact absorption systems pursuant to applicable SAE Bumper Standards or equivalent standards.

Bumpers are optional equipment on vehicles defined as street rod vehicles, custom vehicles and kit vehicles.

Bumpers, unless specifically exempted above, must:

- (a) Be at least four and one-half inches in vertical height.
- (b) Be centered on the vehicle's centerline.
- (c) Extend no less than the width of the respective wheel track distances.
- (d) Be attached to the vehicle in a manner equivalent to the original manufacturer's installation.
- (e) Be horizontal load bearing and attach to the vehicle frame to effectively transfer energy when impacted.
- (f) Be mounted at a maximum height based on the vehicle classification and original gross vehicle weight rating (GVWR) of the vehicle, measured from a level surface to the highest point on the bottom of the bumper. For vehicles exempted from the bumper requirement for the reasons stated above, a maximum frame elevation measurement must be made to the bottom of the frame rail. Maximum heights are as follows:

	Front	Back
Passenger Vehicles <u>and Neighborhood</u> <u>Electric Vehicles</u>	((22)) 20 Inches	((22)) 20 Inches
<u>For Trucks:</u>		
4,500 lbs. and under GVWR	24 Inches	26 Inches

	Front	Back
4,501 lbs. to 7,500 lbs. GVWR	27 Inches	29 Inches
7,501 lbs. and over GVWR	28 Inches	30 Inches

A blocker beam or additional bumper may not be used to meet the above requirements.

(g) If an existing bumper from a recognized manufacturer is not used and a special bumper is fabricated, it must be certified as meeting the bumper standards set under 49 C.F.R. 581.

(7) Fenders: All wheels of a motor vehicle must be equipped with fenders designed to cover the entire tire tread width that comes in contact with the road surface. Coverage of the tire tread circumference must be from at least fifteen degrees in front and to at least seventy-five degrees to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. At no time can the tire come in contact with the body, fender, chassis, or suspension of the vehicle. Street rods and kit vehicles which are more than forty years old and are owned and operated primarily as a collector's item need not be equipped with fenders when the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads.

(8) Frame: A motor vehicle must be equipped with a frame. If an existing frame from a recognized manufacturer is not used and a special frame is fabricated, it must be constructed of wall box or continuous section tubing, wall channel, or unitized construction capable of supporting the vehicle, its load, and the torque produced by the power source under all conditions of operation. The structural strength of the frame must be certified by the builder as meeting the applicable standards set under 49 C.F.R. 571 Parts 201, 214, 216, and 220 through 224, and the SAE Standards. Such certification must be made by either:

- (a) Certification provided on the vehicle in the form of a label which has been affixed in accordance with FMVSS outlining the portions of the FMVSS which have been met; or
- (b) A notarized letter from the builder of the frame outlining the portions of the Federal Motor Vehicle Safety Standards (FMVSS) which have been met; or
- (c) If the vehicle is a kit vehicle, as outlined in RCW 46.12.440, documentation from the manufacturer of the vehicle frame that informs the owner that the frame has not been certified as meeting the applicable federal motor vehicle safety standard set under 49 C.F.R. 571 Parts 201, 214, 216, and 220 through 224, and the applicable SAE Standards.

AMENDATORY SECTION (Amending WSR 09-22-078, filed 11/3/09, effective 12/4/09)

WAC 204-10-024 Windows. (1) The windshield must be framed and in such a position that it affords continuous horizontal frontal protection to the driver and front seat occupants. ~~((The minimum vertical height of the unobstructed windshield glass must be six inches))~~ The windshield must be of sufficient dimensions to protect the driver and occupants from insects, other airborne objects, and highway surface

water and debris, when the motor vehicle is moving forward, or as originally equipped by a recognized manufacturer.

(2) The vehicle must be provided with a windshield and side windows or openings which allow the driver a minimum outward horizontal vision capability, ninety degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This range of vision:

(a) May be interrupted by window framing not exceeding four inches in width at each side location.

(b) Must have no obstruction forward of the windshield which extends more than two inches upward into the horizontally forward projected vision area of the windshield except windshield wiper components and hood ornaments identical to those originally installed by a recognized manufacturer. For the purposes of this section, the projected vision area of the windshield ~~((shall))~~ will be defined as that area above a line from the top of the steering wheel to the top of the front fenders or hood, whichever is higher.

(3) If a windshield is not required under 49 C.F.R. 571, the operator must wear eye protection as outlined in chapter 46.37 RCW and WAC 204-10-026.

AMENDATORY SECTION (Amending WSR 08-19-079, filed 9/16/08, effective 10/17/08)

WAC 204-10-026 Eye protection. If a vehicle does not have a windshield, and the driver is required to wear eye protection~~((s))~~ by chapter 46.37 RCW, the eye protection device (EPD) must:

(1) Be one of the following: Goggles, face shield, or eye glasses.

(a) Eye glasses must:

(i) Have a convex frontal surface on each lens, or be an ophthalmic corrective lens.

(ii) Have a minimum area of three square inches or 19.356 square centimeters for each lens. The horizontal diameter (or side-to-side measurement) must be no less than two inches or 50 millimeters. The vertical diameter (or top-to-bottom measurement) must be no less than one and one-half inches or 38 millimeters. A diameter must pass through a point on the lens that is intended to be directly in front of the pupil of the eye when the wearer is looking straight ahead.

(b) Optical correction of a person's vision, where required or desired, may be provided either:

(i) By an EPD that provides the proper optical correction; or

(ii) By personal corrective lenses worn under an EPD that does not disturb the adjustment of those lenses.

(2) Not have any sharp edges or projections that could cause harm or discomfort to the wearer.

(3) Be made of durable quality.

~~((Example: Material characteristics must not undergo appreciable alterations under the influence of aging or of the circumstances of use to which the device is normally subjected (exposure to sun, rain, cold, dust, vibrations, contact of the skin, effects of sweat, or of products applied to the hair or skin).))~~

(4) Have a headband capable of holding the EPD securely under normal operating conditions. It must be capable of easy adjustment and replacement.

(5) Not use material(s) commonly known to cause skin irritation or disease for those parts of the device which come into contact with the skin.

(6) Where plastic materials are used, use noncombustible or slow burning materials.

(7) Not use cellulose nitrate, or materials having flammability characteristics approximately those of cellulose nitrate.

(8) Be tested on a standard human head form in a position simulating its position in actual use.

~~((Example: Helmet-mounted face shields must be tested while attached to an appropriate medium-size helmet supplied by the manufacturer of the face shield, which must be mounted on a standard head form.))~~

The test must:

(a) Use a steel projectile three-eighths inches in diameter, weighing 1.56 ounces approximately two and one-half inches long with a conical point of ninety degrees included angle, the point having a spherical radius no greater than .020 inches and a hardness of 60(10) on the Rockwell "C" scale, which must be freely dropped from a height of fourteen feet above the EPD. The projectile may be guided, but not restricted in its vertical fall by dropping it through a tube extending to within approximately four inches of the impact area. The impact area must be on the forward optical surface and within one-inch diameter circle centered over the eye opening. The impact point ~~((shall))~~ must be perpendicular to a plane tangent to the impact area.

(b) Not allow penetration of the projectile through the EPD. Cracking or piercing of the EPD is permissible provided that the projectile does not pass through or remain lodged in the EPD lens, but is repulsed by the EPD, and that no particles of the EPD ~~((shall))~~ will break loose from any eyeward surface of the EPD.

(c) Be performed at room temperature (sixty-five degrees to eighty-five degrees F) under normal humidity conditions.

(d) If plastic materials are used, expose the EPD to a test to determine the flame-propagation rate. The specimen must be ignited by holding one end of the specimen horizontally at the top of a luminous three quarter-inch Bunsen burner flame in a draft-free room. The rate of propagation of burning, after removing the flame from the specimen, determined by a stop watch, ~~((shall))~~ must be one inch or less per twenty-four seconds. A faster rate of propagation ~~((shall))~~ will be cause for rejection.

(9) Have lenses that comply with the following requirements:

(a) Lenses must be made of material suitable for ophthalmic use, and must be free from striae, waves, bubbles, or any other defects which may impair their optical quality.

(b) The prismatic effect of a noncorrective lens must not exceed 1/8 diopter at any point with the specified minimum field of vision. In the case of eye glasses, each noncorrective lens must comply with the limitation of prismatic effect.

(c) In any meridian, the refractive power of a noncorrective lens must not exceed plus or minus 1/8 diopter and the difference between the refractive powers in any two meridians must not exceed 1/8 diopter.

(d) The definition afforded by a noncorrective lens must be such that a line pattern with lines separated not more than twenty-four seconds of angle must be clearly distinguishable when viewed through the lens.

(e) The compliance of a lens with the prismatic effects, refractive power, and definition requirements of (a), (b), and (c) of this subsection must be determined in accordance with those test methods described in Sections 6.3.4.1.1, 6.3.4.1.2, and 6.3.4.1.3 of the American National Standards Institute Standard Z87.1-1968, September 18, 1968, "Eye and Face Protection" and explained in Section 10.1 of the National Bureau of Standards Circular 533, May 20, 1953, "Method for Determining the Resolving Power of Photographic Lenses." In order to maintain consistency in the results of tests conducted by various organizations, the following test requirements must be met:

(i) An 8-power telescope with focusing arrangement to accommodate the refractive effects of both positive (converging) and negative (diverging) lenses placed between the telescope and test chart ((shall) must be used. The illuminated target and test chart ((shall) must be a central dot and a concentric circle one-inch in diameter plus one of the high contrast ("black and white") NBS Resolution Test Charts, dated 1952, and printed on "Lens Resolution Chart to Accompany NBS Circular 533." The chart ((shall) must be perpendicularly aligned thirty-five feet from the objective lens of the telescope when the telescope is properly focused with no test, sample, or other lens between the objective lens and the chart. The center dot and the periphery of the concentric circle one-inch in diameter ((shall) must be used when testing for prismatic effect. The test pattern marked "20" ((shall) must be used when testing for refractive power and when testing for definition. Standard lenses of plus or minus 1/8 diopter ((shall) must be used when testing for refractive power.

(ii) Other standard methods of test or examination that are equivalent or superior, as regards to accuracy, quality, and consistency of results to (e)(i) of this subsection specified in National Bureau of Standards methods, may be used to determine compliance only when such methods are approved by the state official to whom such approving authority has been assigned, or delegated, through due process of applicable state law.

(10) Not obstruct a horizontal field of vision to at least one hundred five degrees to the right side of the plane that passes through the pupil of the right eye looking straight ahead, and at least one hundred five degrees to the left side of the plane that passes through the pupil of the left eye looking straight ahead, and are parallel to the midsagittal plane, except as provided in (a) of this subsection.

(a) The specified minimum horizontal field of vision must be unobstructed except that the horizontal field provided by the spectacles or sunglasses may be obstructed by the frame in a sector no greater than seven and one-half degrees in horizontal angular width and located between fifty degrees and eighty degrees of the pertinent sagittal plane passing through the eye pupil when looking straight ahead.

(b) When ascertaining the horizontal field of vision afforded by eyeglasses, the pupil of the eye must be assumed to be located 17 mm behind the point on the rear surface of the lens where the horizontal and vertical diameters intersect.

When ascertaining the horizontal field of vision of EPDs other than eye glasses, the assumed location of the pupil of the eye relative to the structures of the EPD ((shall) must be that location which is most likely to occur when the EPD is attached and worn in accordance with its manufacturer's instructions.

(c) No portion of the minimum horizontal field of vision ((shall) will be obstructed by a temple piece, headband, helmet, helmet attaching device, or any other supporting or attaching device.

(11) Be clear (transmitting not less than eighty-five percent of incident visible radiation) or may be tinted provided that the tint does not impair the wearer's ability to discern color. If the EPD is tinted it must not be used at any time from a half hour after sunset to a half hour before sunrise and at any other time when due to insufficient light or unfavorable atmosphere conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead. The luminous transmittance must be determined by one of the following means:

(a) Photometrically by an observer having normal color vision, as determined by recognized color vision chart tests such as those employing pseudoisochromatic plates.

(b) With a physical photometer consisting of a thermopile (or other radiometer) and luminosity solution having a special transmittance curve which coincides closely with the luminous efficiency curve of the average eye.

(c) By measuring the special transmittance and calculating the luminous transmittance through the use of published data on the spectral radiant energy of CIE Source A and the relative luminous efficiency of the average eye.

The standard source of radiant energy used in the measurement of luminous transmittance must be a projection type lamp No. T-8 (or other high-powered, gas-filled tungsten filament incandescent lamp) operated at the color temperature (2854K) corresponding to CIE Source A.

(12) Be identified and labeled as follows:

(a) The EPD ((shall) must be permanently marked in a manner not to interfere with the vision of the wearer.

(b) The manufacturer's or distributor's trade name and model name or number, which ((shall) must correspond with the name and number under which the device has been approved or certified.

(c) That the device meets the standard VESC-8. Where space is limited, V-8 may be used in lieu of VESC-8.

(d) The information required under subsection (l) of this section plus the corporate or business name and address of either the actual manufacturer or the marketer assuming the responsibilities of the manufacturer ((shall) must be imprinted on the container in which the EPD is packed and on any instruction sheet(s) pertaining to the EPD.

(e) If the EPD is tinted, the following statement ((shall) must appear in a prominent location on the container or label: **This tinted eye protective device is for daytime use only.**

AMENDATORY SECTION (Amending WSR 08-19-079, filed 9/16/08, effective 10/17/08)

WAC 204-10-028 Instrumentation and electrical system requirements. (1) A motor vehicle must be equipped

with an operating speedometer calibrated to indicate "miles per hour," and may also indicate "kilometers per hour."

(2) The headlamp circuit for a motor vehicle must be equipped with a driver-controlled high and low beam selector switch unless the vehicle is equipped with single beam headlamps.

(3) If a motor vehicle is manufactured after 1965, it must be equipped with a hazard warning switch causing all turn signal lamps to flash simultaneously.

(4) The headlamp switch for a motor vehicle must activate the headlamps, tail lamps, license plate lamp, and when required, marker lamps simultaneously.

(5) An indicator must be provided on a motor vehicle which indicates to the driver when the high beams of the headlamp system are energized. The indicator (~~(shall)~~) must emit a light other than white plainly visible to the driver under normal driving conditions.

(6) A motor vehicle must be equipped with an operable horn capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. No horn or other warning device (~~(shall)~~) will emit an unreasonably loud or harsh sound or whistle nor (~~(shall)~~) will a bell or siren be used as a warning device. The device used to actuate the horn must be easily accessible to the driver when operating the vehicle.

(7) A motor vehicle, if equipped with an automatic transmission, must be equipped with a safety switch that prevents the starter motor from being actuated except when the gear selector is in the neutral or park position.

(8) If the front signal lamp(s) on a motor vehicle are not readily visible to the driver, there must be an illumination indicator to give the operator a clear, unmistakable indication that the turn signal system is on. The illumination indicator must consist of one or more bright lights flashing at the same frequency as the signal lamps, and it must emit a light other than white.

AMENDATORY SECTION (Amending WSR 08-19-079, filed 9/16/08, effective 10/17/08)

WAC 204-10-030 Mirrors and backup alert devices.

A motor vehicle must be equipped with mirrors as outlined under 49 C.F.R. 571 and RCW 46.37.400. The mirror mountings must provide for mirror adjustment by tilting both horizontally and vertically. The following definitions must be used for additional backup alert devices or mirrors required under RCW 46.37.400(3):

(1) Backup alert devices means any type of motion detection device, laser device, camera, or television device mounted on a truck with a cube-style, walk-in cargo box up to eighteen feet long, which will warn the driver of the detection of a person or object at a minimum of six feet to the rear of the vehicle and also encompass the width of the rear of the vehicle.

(2) Rear crossview mirrors means any type of mirrors which, when mounted, will allow the driver of a truck with a cube-style, walk-in cargo box up to eighteen feet long, to view a minimum distance of six feet to the rear and encompass the width of the rear of the vehicle in order to be able to

detect an object or person. These crossview mirrors must be installed in a manner that will satisfy the above requirements.

AMENDATORY SECTION (Amending WSR 08-19-079, filed 9/16/08, effective 10/17/08)

WAC 204-10-036 Suspension. A motor vehicle must be capable of stable, controlled operation while traversing a slalom-type path passing alternately to the left and right of at least four cones or markers arranged in a straight line and spaced sixty feet apart at a minimum speed of 25 mph.

Body lifts are permitted provided that they are manufactured by an aftermarket manufacturer, designed for the make and model vehicle on which they are installed, and installed according to the manufacturer's recommendations. Body lifts may not use more than a three-inch spacer and may not raise the body more than four inches above the frame when all components are installed.

A motor vehicle must:

(1) Have a minimum ground clearance to allow the vehicle to be in motion on its four rims on a flat surface with no other parts of the vehicle touching that surface and a maximum ground clearance determined based on the table contained in WAC 204-10-022 (6)(f) bumpers.

(2) Have spring mounts and shackles properly aligned and of sufficient strength so as to support the gross weight of the vehicle and provide free travel in an up and down movement under all conditions of operation.

(3) Incorporate antisway devices to control lateral movement in rear coil spring suspension systems.

(4) Have a suspension system that allows movement between the unsprung axles and wheels and the chassis body.

(5) Be equipped with a damping device at each wheel location. The (~~(dampening)~~) damping device must stop vertical body motion within two cycles when any corner of the vehicle is depressed and released.

(6) Be capable of providing a minimum relative motion of plus and minus two inches.

(7) Not use heating or welding for coil springs, leaf springs, or torsion bars.

(8) Not be constructed or loaded so that the weight on the wheels of any axle is less than thirty percent of the gross weight of the vehicle.

(9) Not raise or lower the height of a motor vehicle while the motor vehicle is traveling more than 15 mph on a public roadway with a posted speed limit of 25 mph or less(±) except when lawfully participating in a parade permitted by local jurisdiction.

(10) At no time have any portion of any tire of such motor vehicle leave the surface of the roadway.

(11) Not have any portion of the vehicle or component of the hydraulic system used to raise or lower the vehicle cause or emit sparks.

Nothing in this section (~~(shall)~~) prohibits a county or city from enacting stricter regulations for aftermarket vehicle hydraulics on a public roadway.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 204-10-012 Purpose.

WSR 15-15-129
PROPOSED RULES
WASHINGTON STATE PATROL

[Filed July 17, 2015, 6:33 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-12-047.

Title of Rule and Other Identifying Information: Chapter 204-44 WAC, Standards for load fastening devices.

Hearing Location(s): General Administration Building, 210 11th Avenue S.W., Room G-3, Olympia, WA 98504, on August 26, 2015, at 10:00 a.m.

Date of Intended Adoption: August 27, 2015.

Submit Written Comments to: Melissa Van Gorkom, Washington State Patrol, Equipment Standards Unit, P.O. Box 42600, Olympia, WA 98504, e-mail wsprules@wsp.wa.gov, fax (360) 596-4015, by August 21, 2015.

Assistance for Persons with Disabilities: Contact Melissa Van Gorkom by August 14, 2015, (360) 596-4017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Changes to chapter 204-44 WAC include, but may not be limited to, cleanup, grammatical and formatting changes that are needed. Updates to standards relating to the safe securing of all loads.

Reasons Supporting Proposal: Provides clarifying language to the statute and cleanup throughout the chapter.

Statutory Authority for Adoption: RCW 46.37.005, 46.37.490, 46.61.655.

Statute Being Implemented: RCW 46.37.005, 46.37.490, 46.61.655.

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

Name of Proponent: Washington state patrol, governmental.

Name of Agency Personnel Responsible for Drafting: Michael Pry, P.O. Box 42600, Olympia, WA 98504, (360) 596-4019; Implementation and Enforcement: Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, (360) 596-4000.

No small business economic impact statement has been prepared under chapter 19.85 RCW. There are no new impacts on businesses.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Melissa Van Gorkom, Washington State Patrol, P.O. Box 42600, Olympia, WA 98504, phone (360) 596-4017, fax (360) 596-4015, e-mail wsprules@wsp.wa.gov.

Cost-Benefit Analysis

SUMMARY OF PROPOSED RULES: The Washington state patrol equipment and standards review (ESR) unit is proposing amendments to chapter 204-44 WAC.

The purpose of the chapter is to set the standards for safely securing loads carried by vehicles.

The proposed major changes to the chapter are:

- Grammatical and formatting changes.
- Expansion of strap breaking strength requirements to all vehicles.
- Removal of diagrams, and reference to labor and industry rules diagrams.
- Reorganization of rules to provide for a more logical flow.

EVALUATION OF PROBABLE COSTS AND PROBABLE BENEFITS: Since the proposed amendments "make significant amendments to a policy or regulatory program" under RCW 34.05.328 (5)(c)(iii), ESR has determined the proposed rules to be "significant" as defined by the legislature.

As required by RCW 34.05.328 (1)(d), ESR has analyzed the probable costs and probable benefits of the proposed amendments, taking into account both the qualitative and quantitative benefits and costs. Those impacted by these rules include: State troopers, commercial vehicle enforcement officers, local law enforcement agencies, commercial vehicle companies and operators, and the motoring public.

COSTS: ESR analysis revealed that costs, if any, imposed by the proposed amendments would be only minor, if any costs at all.

BENEFITS: Several benefits will result from the adoption of the proposed amendments. These benefits include:

- A potential reduction in incidents of dropped loads resulting from a breaking strength standard requirement being added to the rules.
- Increase in clarity with the addition of definition section, reorganization and cleanup of the entire chapter.

CONCLUSION: ESR concludes that the probable benefits of the proposed rule amendments exceed the probable cost. ESR has complied with the appropriate sections of the Administrative Procedure Act and is prepared to proceed with the rule-making process.

Please contact Michael Pry if you have any questions at (360) 596-4019.

July 13, 2015

John R. Batiste
Chief

AMENDATORY SECTION (Amending WSR 90-06-055, filed 3/5/90, effective 4/5/90)

WAC 204-44-010 Promulgation. Under authority of RCW 46.37.005 ~~((and))~~, 46.37.490, and 46.61.655, the ~~((state))~~ patrol hereby adopts the following rules pertaining to the use of safety chains or other devices on vehicles to secure and protect the loads thereon.

NEW SECTION

WAC 204-44-012 Definitions. (1) "Patrol" means the Washington state patrol.

(2) "Securely fastened" as used in RCW 46.37.490, 46.61.655, and this chapter means that the load will be secured using an adequate number of approved tiedown devices to prevent the load from shifting or dropping from the vehicle.

NEW SECTION

WAC 204-44-014 Approved tiedown devices. (1) The following types of tiedown devices are approved by the patrol:

- (a) Steel chain;
- (b) Steel cable;
- (c) Steel strapping; and
- (d) Fiber webbing.

(2) Tiedown devices for a commercial motor vehicle must:

(a) Have a minimum breaking strength of at least 15,000 pounds, except that tiedown devices used to secure baled hay and baled straw may have a breaking strength of not less than 9,000 pounds.

(b) Meet or exceed federal standards contained in 49 C.F.R. 393.102.

(3) Tiedown devices used for all vehicles other than commercial vehicles must have a breaking strength sufficient for the weight of the load being carried.

AMENDATORY SECTION (Amending WSR 78-10-100, filed 10/3/78)

WAC 204-44-020 (~~Load fastening devices.~~) Securing logs. ~~((1))~~ (1) Any motor truck, truck tractor, trailer, semi-trailer, or any combination thereof, transporting logs upon a public highway where ~~((binder))~~ tiedown devices are required, ~~((shall))~~ must have the load thereon securely fastened and protected ~~((as follows:))~~ as follows:

(a) ~~((Placement and number of wrappers required))~~ On log trucks using stakes~~((:))~~:

(i) ~~((In the hauling of))~~ For one log loads, one wrapper chain or cable ~~((shall))~~ will be required and it ~~((shall))~~ must be secured to the rear bunk and the log ~~((shall))~~ must be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper~~((:))~~ secured to the front bunk~~((:))~~ is optional.

(ii) ~~((In the hauling of))~~ For two log loads, not less than two wrapper chains or cables ~~((shall))~~ will be used to secure the load. The logs ~~((shall))~~ must be properly blocked to prevent them from rolling or shifting.

(iii) ~~((On))~~ For loads consisting of three or four logs not over 44 feet in length, the load ~~((shall))~~ must be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers ~~((shall))~~ must be secured with extra wrappers. If any log is over 44 feet in length, the load ~~((shall))~~ must be secured by not less ~~((that))~~ than three properly spaced wrappers. If the logs have different lengths, they must be secured so that the longer logs

are on the bottom, and each log is secured by not less than two properly spaced wrappers.

(iv) For loads consisting of five or more logs, when the logs are all 17 feet or less in length, ~~((shall))~~ they must be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over 17 feet in length, ~~((shall))~~ must be secured by not less than three properly spaced wrappers.

(b) ~~((Placement and number of wrappers required))~~ On log trucks using chock blocks~~((:))~~:

(i) ~~((In the hauling of))~~ For one log loads, one wrapper chain or cable ~~((shall))~~ will be required and secured to the rear bunk and the log ~~((shall))~~ must be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable ~~((shall))~~ will be required on log trucks using chock blocks over and above the requirements in ~~((subdivisions))~~ (a)(iii) and (iv) of this ~~((section))~~ subsection, and logs must be properly blocked in a manner to prevent them from rolling or shifting.

(c) ~~((Placement and number of wrappers required on crosswise loaded trucks, trailers, etc.))~~ In the case of short logs loaded crosswise, the following method of securing the load ~~((shall))~~ must be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off:

(i) Not less than two chock blocks ~~((shall))~~ must be used at each open end of the vehicle and the load ~~((shall))~~ must be held with at least two wrapper chains or cables. The wrappers ~~((shall))~~ must be firmly attached to the end of the truck or trailer.

(ii) Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake ~~((shall))~~ must be either rigidly connected to the bed of the truck or trailer or ~~((shall))~~ must be placed in a tight fitting socket at least 12 inches in depth. ~~((Other means furnishing equivalent security may be acceptable.))~~

(d) ~~((Wrapper placement.))~~ When two wrappers are required, they ~~((shall))~~ must be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back ~~((binder shall))~~ tiedowns must be applied within six feet of the front and rear bunks.

(e) ~~((Short logs.))~~ To properly secure short logs, ~~((binders shall))~~ tiedowns must be placed near the end, not less than 12 inches from the end of the log.

(f) ~~((Log on top or in outside saddle.))~~ No log loaded on top or in outside saddles of a load ~~((shall))~~ will be transported unless secured by not less than two wrapper chains or cables, one of which ~~((shall))~~ must be placed near each end of such log.

(g) ~~((Fasten in place.))~~ All wrappers and ~~((binders shall))~~ tiedowns must be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) ~~((Surround load.))~~ All wrapper chains or cables, except in the case of one log loads, ~~((shall))~~ must entirely surround the load. This does not apply to gut-wrappers.

(i) ~~((Gut wrappers.))~~ Gut-wrappers, when used, ~~((shall))~~ will be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) ~~((Wrappers and binders to be placed before leaving immediate loading area.))~~ Wrappers and ~~((binders shall))~~ tie-

downs must be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) ~~((Construction of wrappers and binders.))~~ Wrapper chains or cables, ~~((binders))~~ tie-downs, fasteners, or attachments thereof, used for any purpose as required by these standards, ~~((shall))~~ must have a minimum breaking strength of not less than 15,000 pounds and ~~((shall))~~ must be rigged so that it can be safely released.

(l) ~~((Bundle straps or banding.))~~ For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and ~~((binders))~~ tie-downs.

(m) ~~((Loose ends secured.))~~ All loose ends of wrapper chains or cables ~~((shall))~~ must be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) ~~((Trucks in sorting yards.))~~ Trucks and trailers used around sorting yards, etc., which travel ~~((as at))~~ at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) ~~((Binder hook design. Binders))~~ Tie-downs for securing wrappers on logging trucks ~~((shall))~~ must be fitted with hooks of proper size and design for the wrapper chain being used.

(p) ~~((Defective wrappers.))~~ Wrappers ~~((shall))~~ must be removed from service when any of the following conditions exist:

- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;
- (iv) Frayed, stranded, knotted, or otherwise defective wire rope.

(q) ~~((Binder extensions.))~~ Pipe extension handles (swedes) for tightening or securing ~~((binders shall))~~ tie-downs must be limited to not longer than 36 inches. ~~((Care shall be taken that))~~ A sufficient amount of the pipe must extend ~~((s))~~ over the ~~((binder))~~ tie-down handle.

(r) ~~((Defective binders.))~~ Defective ~~((binders shall))~~ tie-downs must be immediately removed from service.

(Note: See Figures I and II [codified as WAC 204-44-02001] for illustrations of placement and number of wrappers.

~~((2) Any motor truck, truck tractor, trailer, semi trailer, or any combination thereof, transporting any load other than logs, upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected by at least two load binders sufficiently strong to withstand all possible strains. The load securing devices shall have a breaking strength of at least 15,000 pounds. Exception: Binders used to secure baled hay and baled straw shall have a breaking strength of not less than 9,000 pounds.))~~

~~((2) For illustrations of placement and number of wrappers, see Figures 25 through 35 under WAC 296-54-58950.~~

AMENDATORY SECTION (Amending WSR 93-11-017, filed 5/6/93, effective 6/6/93)

WAC 204-44-040 Securing pole trailers while in transit. Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks)

~~((shall))~~ must be fastened to the truck-tractor by not less than one 5/16" grade seven or better chain and one tensioning or locking device in such a manner as to prevent it from falling or shifting while in transit. The chain ~~((shall))~~ must be securely fastened between the forward point on the reach tunnel and a point on the truck-tractor frame or from either axle of the pole trailer to a point directly below the truck-tractor frame or crossmember.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 204-44-02001 Diagrams I and II—Placement and number of wrappers.

WAC 204-44-030 Approval of load fastening devices.

WSR 15-15-149
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 21, 2015, 7:53 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-11-064.

Title of Rule and Other Identifying Information: Chapter 296-17 WAC, General reporting rules, audit and recordkeeping, rates and rating system for workers' compensation insurance and chapter 296-17A WAC, Classifications for Washington workers' compensation insurance.

Hearing Location(s): Tukwila Community Center, Banquet A, 12424 42nd Avenue South, Tukwila, WA 98168, on August 25, 2015, at 10:00 a.m.

Date of Intended Adoption: September 15, 2015.

Submit Written Comments to: Jo Anne Attwood, P.O. Box 44148, Olympia, WA 98504-4148, e-mail JoAnne.Attwood@lni.wa.gov, fax (360) 902-4799, by August 25, 2015, 5:00 p.m.

Assistance for Persons with Disabilities: Contact office of information and assistance by August 14, 2015, TTY (360) 902-5797.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This rule making is being performed to implement requirements of ESSB 5550 which exempts from workers' compensation insurance the taxi, for hire, and limousine drivers who own vehicles or lease them from others; and commercial transportation service drivers as defined in Title 48 [RCW]. The legislation allows for elective coverage for these exempt employments. Reporting and classification rules are being updated to reflect the law.

Amending WAC 296-17-35203 Special reporting instructions, 296-17A-1401 Classification 1401 (taxi companies), 296-17A-1404 Classification 1404 (cabulance and paratransit) and 296-17A-6301 Classification 6301 (limousine drivers); and new WAC 296-17-35205 Special reporting

for taxi, for hire, limousine drivers and entities; and commercial transportation service drivers.

Reasons Supporting Proposal: Workers' compensation coverage is no longer mandatory for individuals who meet the law's criteria. Department of labor and industries (L&I) must change reporting and classification rules affected by the law.

Statutory Authority for Adoption: RCW 51.04.020 and 51.16.035.

Statute Being Implemented: RCW 51.16.035.

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

Name of Proponent: [L&I], governmental.

Name of Agency Personnel Responsible for Drafting: Jo Anne Attwood, Tumwater, Washington, (360) 902-4777; Implementation: Mike Ratko, Tumwater, Washington, (360) 902-6369; and Enforcement: Victoria Kennedy, Tumwater, Washington, (360) 902-4997.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency is exempt from conducting a small business economic impact statement since the proposed rules set or adjust fees or rates pursuant to legislative standards described in RCW 34.05.310 (4)(f) and do not change current coverage options for employers and workers.

A cost-benefit analysis is not required under RCW 34.05.328. Since the proposed rules do not change any existing coverage options for employers or workers and adjust fees pursuant to legislative standards, they are exempted by RCW 34.05.328 (5)(b)(vi) from the requirement for a cost-benefit analysis.

July 21, 2015
Joel Sacks
Director

AMENDATORY SECTION (Amending WSR 12-24-067, filed 12/4/12, effective 1/4/13)

WAC 296-17-35203 Special reporting instruction. (1) Professional and semiprofessional athletic teams. Athletes assigned and under contract to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance. Athletes assigned to a Washington-domiciled sports team but under contract with a parent team domiciled outside of the state are mandatorily covered by Washington industrial insurance unless the player is eligible for coverage in another state, and there is a valid coverage agreement as described below.

A player is eligible for coverage in another state only when both the player and the employer agree in writing that the employment is principally localized in that state.

Example: If the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they cannot agree to be under California coverage since California doesn't qualify as a state in which the player competes in regularly scheduled games.

(a) Upon request, the department will provide forms to the owners of professional and semiprofessional sports teams

for entering into agreements for both the sport player and the sport team. These agreements are referred to as "coverage agreements." Unless coverage is refused in the alternative state, the coverage agreement will determine the worker's home state for workers' compensation coverage.

(b) When a sport team and a player agree to workers' compensation coverage in another state, the following rules apply:

Sport player coverage agreement:

(i) A sport player coverage agreement must be signed by the team (employer) and each individual player (worker) covered out-of-state. Workers' compensation premiums for any work performed by the player before the agreement was signed must be paid to the department. To be valid, an agreement must be:

- Signed by both parties, dated, and show the name of the state where coverage is provided.
- Agree that the player's employment is principally located in that state.
- Kept as part of the employer's records for at least three years after the player is released from the team.

(ii) The employer must provide the department a copy of a sport player coverage agreement when requested. Employers who do not provide the department copies of a sport player coverage agreement when requested are considered not to have secured payment of compensation as required and all premiums and penalties allowed for in Title 51 RCW will apply.

(iii) If the employers' out-of-state workers' compensation insurer rejects an injury claim because the player is a Washington worker, the employer is considered not to have secured payment of compensation as required and all premium and penalties allowed for in Title 51 RCW apply.

Sport team coverage agreement:

(c) A sport team coverage agreement must be signed by the employer (team) and the qualifying out-of-state workers' compensation insurer. Workers' compensation premiums for work performed before the agreement was signed must be paid to the department. To be valid, an agreement must:

- Be signed by both parties, dated, and show the name of the state where coverage is provided.
- Specify that the team's players are principally localized in that state.
- Specify the insurer agreeing to provide coverage for a team based in Washington.

(d) The sport team coverage agreement must be signed annually. Copies of the agreement along with a current copy of the team's out-of-state insurance policy must be submitted to the department of labor and industries every year the out-of-state coverage is provided.

Premium payments are required for any work performed by Washington players prior to the date the department receives copies of any year's current sports teams' coverage agreement and proof of out-of-state coverage.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.-095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each

such person who is paid on an hourly, salaried, part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried, part time, percentage of profits or piece basis, the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable.

(a) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(c) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(vi) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and
- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) **Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before

the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive twenty-four-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

(i) The name of each worker;

(ii) The Social Security number of each worker;

(iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;

(iv) The basis upon which wages are paid to each worker;

(v) The number of units earned or produced for each worker paid on a piece-work basis;

(vi) The risk classification(s) applicable to each worker;

(vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b)(viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(x) The workers' total gross pay period earnings;

(xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and canceled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(A) The employers' unified business identification account number (UBI).

(B) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(C) The total contract award.

(D) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(E) Physical location/site where the work will be performed including legal description.

(F) Number of acres covered by the contract.

(G) Dates during which the work will be performed.

(H) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall, in addition to the required informational report described in

(e)(i) of this subsection, report the payroll and hours worked under the contract, and submit payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - Verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employer's work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The entity that awarded the contract can verify the status of the contractors' accounts online at the department's web site (www.lni.wa.gov) or by calling the account manager. The landowner, firm, or contractor will not be released from premium liability until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - Work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the

contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

- (i) The name of the contractor who has been engaged to perform the work;
- (ii) The contractor's UBI number;
- (iii) The contractor's farm labor contractor number;
- (iv) The total contract award;
- (v) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;
- (vi) Location where the work is to be performed;
- (vii) A contact name and phone number of the person, firm, or corporation who let the contract;
- (viii) The total estimated wages to be paid by the contractor and any subcontractors;
- (ix) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;
- (x) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;
- (j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries
Reforestation Team 8
P.O. Box 44168
Olympia, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

(5) Logging and/or tree thinning—Mechanized operations—Industry rule. The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17A-5005.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - Mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys may be required after the initial survey to retain the risk classification assignment.

(b) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such

worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

(6) Special drywall industry rule.

(a) What is the unit of exposure for drywall reporting? Your premiums for workers installing and finishing drywall (reportable in risk classifications 0540, 0541, 0550, and 0551) are based on the amount of material installed and finished, not the number of hours worked.

The amount of material installed equals the amount of material purchased or taken from inventory for a job. No deduction can be made for material scrapped (debris). A deduction is allowed for material returned to the supplier or inventory.

The amount of material finished for a job equals the amount of material installed. No deduction can be made for a portion of the job that is not finished (base layer of double-board application or unfinished rooms).

Example: Drywall installation firm purchases 96 4' x 8' sheets of material for a job which includes some double-wall installation. The firm hangs all or parts of 92 sheets, and returns 4 sheets to the supplier for credit. Drywall finishing firm tapes, primes and textures the same job. Both firms should report 2,944 square feet (4 x 8 x 92) for the job.

(b) I do some of the work myself. Can I deduct material I as an owner install or finish? Yes. Owners (sole proprietors, partners, and corporate officers) who have not elected coverage may deduct material they install or finish.

When you as an owner install (including scrap) or finish (including tape and prime or texture) only part of a job, you may deduct an amount of material proportional to the time you worked on the job, considering the total time you and your workers spent on the job.

To deduct material installed or finished by owners, you must report to the department by job, project, site or location the amount of material you are deducting for this reason. You must file this report at the same time you file your quarterly report:

$$\text{Total owner hours} \div (\text{owner hours} + \text{worker hours}) = \% \text{ of owner discount.}$$

$$\% \text{ of owner discount} \times (\text{total footage of job} - \text{subcontracted footage, if any}) = \text{Total owner deduction of footage.}$$

(c) Can I deduct material installed or finished by subcontractors? You may deduct material installed or taped by subcontractors you are not required to report as your workers. You may not deduct for material only scrapped or primed and textured by subcontractors.

To deduct material installed or taped by subcontractors, you must report to the department by job, project, site or location the amount of material being deducted. You must file this report at the same time you file your quarterly report. You must have and maintain business records that support the number of square feet worked by the subcontractor.

(d) I understand there are discounted rates available for the drywall industry. How do I qualify for them? To qualify for discounted drywall installation and finishing rates, you must:

(i) Have an owner attend two workshops the department offers (one workshop covers claims and risk management; the other covers premium reporting and recordkeeping);

(ii) Provide the department with a voluntary release authorizing the department to contact material suppliers directly about the firm's purchases;

(iii) Have and keep all your industrial insurance accounts in good standing (including the accounts of other businesses in which you have an ownership interest), which includes fully and accurately reporting and paying premiums as they come due, including reporting material deducted as owner or subcontractor work;

(iv) Provide the department with a supplemental report (filed with the firm's quarterly report) showing by employee the employee's name, Social Security number, the wages paid them during the quarter, how they are paid (piece rate, hourly, etc.), their rate of pay, and what work they performed (installation, scrapping, taping, priming/texturing); and

(v) Maintain accurate records about work you subcontracted to others and materials provided to subcontractors (as required by WAC 296-17-31013), and about payroll and employment (as required by WAC 296-17-35201).

The discounted rates will be in effect beginning with the first quarter your business meets all the requirements for the discounted rates.

Note: If you are being audited by the department while your application for the discounted classifications is pending, the department will not make a final decision regarding your rates until the audit is completed.

(e) Can I be disqualified from using the discounted rates? Yes. You can be disqualified from using the discounted rates for three years if you:

(i) Do not file all reports, including supplemental reports, when due;

(ii) Do not pay premiums on time;

(iii) Underreport the amount of premium due; or

(iv) Fail to maintain the requirements for qualifying for the discounted rates.

Disqualification takes effect when a criterion for disqualification exists.

Example: A field audit in 2002 reveals that the drywall installation firm underreported the amount of premium due in the second quarter of 2001. The firm will be disqualified from the discounted rates beginning with the second quarter of 2001, and the premiums it owed for that quarter and subsequent quarters for three years will be calculated using the nondiscounted rates.

If the drywall underwriter learns that your business has failed to meet the conditions as required in this rule, your business will need to comply to retain using the discounted classifications. If your business does not comply promptly, the drywall underwriter may refer your business for an audit.

If, as a result of an audit, the department determines your business has not complied with the conditions in this rule, your business will be disqualified from using the discounted classifications for three years (thirty-six months) from the period of last noncompliance.

(f) If I discover I have made an error in reporting or paying premium, what should I do? If you discover you have made a mistake in reporting or paying premium, you

should contact the department and correct the mistake. Firms not being audited by the department that find errors in their reporting and paying premiums, and that voluntarily report their errors and pay any required premiums, penalties and interest promptly, will not be disqualified from using the discounted rates unless the department determines they acted in bad faith.

(7) **Safe patient handling rule.** The following subsection will apply to all hospital industry employers as applicable.

(a) Definitions. For the purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Hospital" means an "acute care hospital" as defined in (a)(ii) of this subsection, a "mental health hospital" as defined in (a)(iii) of this subsection, or a "hospital, N.O.C. (not otherwise classified)" as defined in (a)(iv) of this subsection.

(ii) "Acute care hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this rule does not include:

- Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;
- Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;
- Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;
- Birthing centers, which come within the scope of chapter 18.46 RCW;
- Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW;
- Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

Furthermore, nothing in this chapter will be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(iii) "Mental health hospital" means any hospital operated and maintained by the state of Washington for the care of the mentally ill.

(iv) "Hospitals, N.O.C." means health care facilities that do not qualify as acute care or mental health hospitals and may be privately owned facilities established for purposes such as, but not limited to, treating psychiatric disorders and chemical dependencies or providing physical rehabilitation.

(v) "Safe patient handling" means the use of engineering controls, lifting and transfer aids, or assistance devices, by lift teams or other staff, instead of manual lifting to perform the

acts of lifting, transferring and repositioning health care patients.

(vi) "Lift team" means hospital employees specially trained to conduct patient lifts, transfers, and repositioning using lifting equipment when appropriate.

(vii) "Department" means the department of labor and industries.

(b) Hospitals will report worker hours in the risk classification that describes the nature of their operations and either their level of implementation of, or need for, the safe patient handling program.

(c) A fully implemented safe patient handling program must include:

(i) Acquisition of at least the minimum number of lifts and/or appropriate equipment for use by lift teams as specified in chapters 70.41 and 72.23 RCW.

(ii) An established safe patient handling committee with at least one-half of its membership being front line, nonmanagerial direct care staff to design and recommend the process for implementing a safe patient handling program.

(iii) Implementation of a safe patient handling policy for all shifts and units.

(iv) Conducting patient handling hazard assessments to include such variables as patient-handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas.

(v) Developing a process to identify appropriate use of safe patient handling policy based on a patient's condition and availability of lifting equipment or lift teams.

(vi) Conducting an annual performance evaluation of the program to determine its effectiveness with results reported to the safe patient handling committee.

(vii) Consideration, when appropriate, to incorporate patient handling equipment or the physical space and construction design needed to incorporate that equipment at a later date during new construction or remodeling.

(viii) Development of procedures that allow employees to choose not to perform or participate in patient handling activities that the employee believes will pose a risk to him/herself or to the patient.

(d) Department staff will conduct an on-site survey of each acute care and mental health hospital before assigning a risk classification. Subsequent surveys may be conducted to confirm whether the assigned risk classification is still appropriate.

(e) To remain in classification 6120-00 or 7200-00, a hospital must submit a copy of the annual performance evaluation of their safe patient handling program, as required by chapters 70.41 and 72.23 RCW, to the Employer Services Program, Department of Labor and Industries, P.O. Box 44140, Olympia, Washington, 98504.

(8) Rules concerning work by Washington employers outside the state of Washington (extraterritorial coverage).

(a) **General definitions.** For purposes of this section, the following terms mean:

(i) "Actual hours worked" means the total hours of each Washington worker's composite work period during which work was performed by the worker beginning with the time

the worker's work day commenced, and ending with the quitting time each day excluding any nonpaid lunch period.

(ii) "Work day" means any consecutive twenty-four-hour period.

(iii) "Temporary and incidental" means work performed by Washington employers on jobs or at job sites in another state for thirty or fewer consecutive or nonconsecutive full or partial work days within a calendar year. Temporary and incidental work days are calculated on a per state basis. The thirty-day temporary and incidental period begins on January 1 of each year.

(iv) "Proof of out-of-state coverage" means a copy of a valid certificate of liability insurance for workers' compensation issued by:

(A) An insurer licensed to write workers' compensation insurance coverage in that state; or

(B) A state workers' compensation fund in the state in which the employer will be working.

Note: Most certificates are written for a one-year period. The employer must provide the department with a current certificate of liability insurance for workers' compensation covering all periods the employer works in another state. If the policy is canceled, the employer must provide the department with a current in-force policy.

(v) "Worker" means every person in this state who is engaged in the employment of an employer under Title 51 RCW whether by way of manual labor or otherwise in the course of his or her employment; also 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 his or her personal labor for an employer whether by way of manual labor or otherwise.

(vi) "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any work covered by the provisions of Title 51 RCW, by way of trade or business, or who contracts with one or more workers, the essence of which is the personal labor of such worker or workers.

(b) Does a Washington employer have to pay premiums in both states while Washington workers are temporarily working in another state? A Washington employer must continue to pay Washington premiums for Washington workers performing temporary and incidental work in another state. If the Washington employer has Washington workers who work for more than thirty days in another state, that employer will not need to pay premiums in Washington for work in the other state during the calendar year, as long as that employer fulfills the following requirements:

(i) Provides the department with proof of out-of-state coverage for the Washington workers working out-of-state.

(ii) Keeps the policy continuously in force from the date the Washington employer's work exceeds the temporary and incidental period until the date the Washington employer no longer has Washington workers working in the other state. Failure to maintain a policy at the required level of workers' compensation coverage for the number of Washington workers working out-of-state may subject the Washington employer to payment of all premiums, penalties, and interest dues in the state of Washington.

(iii) For the first quarterly reporting period and all subsequent quarters during the same calendar year following the date the Washington employer's work exceeds the temporary and incidental period in the other state, the Washington employer must file a supplemental report of out-of-state work with their workers' compensation employer's quarterly report with the department. This supplemental report is available at: <http://www.LNI.wa.gov/ClaimsIns/Insurance/File/ExtraTerritorial/Default.asp>

(iv) Subitems (b)(i), (ii), and (iii) of this subsection must be met in each state in which the Washington employer has Washington workers working in excess of the temporary and incidental period.

Note: Workers' compensation coverage requirements vary widely among states. Washington employers should contact the regulatory agency in other states to determine the appropriate premium and coverage obligations in those states.

(c) What if a Washington employer knows the Washington workers' work in another state will exceed the temporary and incidental period? If the Washington employer knows their Washington workers will be working in another state in excess of the temporary and incidental period, the employer must immediately provide the department with proof of out-of-state coverage in order to avoid Washington premium liability for hours worked during the temporary and incidental period.

Reminder: The temporary and incidental period applies separately to each state in which the Washington employer worked.

(d) What if a Washington employer anticipates its out-of-state work will exceed the temporary and incidental period, but that does not occur? If a Washington employer did not pay workers' compensation premium to Washington during the temporary and incidental period, and at the end of the calendar year Washington workers of the Washington employer had worked fewer than thirty consecutive or nonconsecutive days in another state, by the filing of the fourth quarter report, the Washington employer must file amended reports for the calendar year. The employer may be required to pay Washington premiums, penalties, and interest. The fourth quarter report is due by January 31 of the following year.

(e) What records must the employer keep while employing Washington workers in another state? In addition to filing the supplemental report of out-of-state work, the Washington employer is required to keep the same records that are kept for Washington workers working in Washington. The records are listed in WAC 296-17-35201 and must be provided at the time of audit to any authorized representative of the department who has requested them.

(f) What reports does a Washington employer file to avoid paying Washington workers' compensation premiums when employing Washington workers in another state for work that exceeds temporary and incidental? A Washington employer must submit the workers' compensation employer's quarterly report and a supplemental report of out-of-state work to the department for each state in which that employer has Washington workers performing work. The supplemental report must include the following information:

(i) The Washington employer's unified business identification number (UBI).

(ii) The Washington employer's department account identification number.

(iii) The Social Security numbers for those Washington worker(s) performing work out-of-state.

(iv) The last name, first name, and middle initial of those Washington worker(s) performing work out-of-state.

(v) The gross payroll paid during the quarter for those Washington worker(s) performing work out-of-state.

(vi) The Washington workers' compensation risk classification(s) that would have applied for each Washington worker performing work out-of-state.

(vii) The total number of hours that each Washington worker performed work out-of-state during the quarter.

(viii) In addition to completing the supplemental report of out-of-state work, the Washington employer must keep a record of all contracts awarded and worked under each state. Copies of pertinent records must be made available to auditors in the event of an audit.

(g) Where do Washington workers file their workers' compensation claims if injured in the course of employment outside of Washington state? Washington workers may file their claim in the state where they were injured or in Washington state.

Washington employers must inform their Washington workers of their right to file for workers' compensation benefits in Washington or the state of injury.

The cost of these claims, if accepted by the department and assigned to the Washington employer's account, will be used in the calculations that determine the employer's experience factor and the appropriate risk classification base rate.

(h) If the Washington employer's work in another state exceeds the temporary and incidental period, may the Washington employer obtain a credit or refund for the temporary and incidental period that workers' compensation premiums were paid to Washington? Yes, but only if the Washington employer:

(i) Obtained workers' compensation insurance for all hours worked in the other state during the calendar year;

(ii) Provides proof of out-of-state coverage;

(iii) Filed the appropriate quarterly reports with the department when due; and

(iv) Otherwise complied with all statutory and regulatory requirements of Washington state.

~~(9) ((Special for hire taxi/industry rules. All for hire vehicles must be covered for workers' compensation insurance. The owner of the vehicle is responsible for the workers' compensation insurance premiums. Those businesses that provide only cabulance or limousine services must report actual hours worked.~~

~~(a) What is the unit of exposure for taxis? Flat rate by driver—The rate is based on four hundred eighty hours per driver each quarter.~~

~~Flat rate by vehicle—The rate is based on nine hundred sixty hours per vehicle each quarter.~~

~~Actual hours—The rate is based on actual hours worked.~~

~~(b) Can I use a flat rate for reporting some vehicles and actual hours for reporting other vehicles? No, you must choose to report using only one of the three methods:~~

~~Flat rate per driver, flat rate per vehicle, or actual hours worked. Owners who choose to report by driver or by actual hours worked must maintain verifiable records, such as lease agreements or payroll records. Where verifiable records are not available or not maintained, the owner must pay premiums on the flat rate of nine hundred sixty hours per vehicle each quarter.~~

~~(e) What happens if premiums are not paid? If the for hire/taxi vehicle owner does not pay premiums, the department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for hire vehicle certificate until the premiums are paid.~~

~~(10)) Horse racing industry rules. These rules apply to persons licensed by the Washington horse racing commission (WHRC) and governed by WAC 260-36-250.~~

(a) Who is responsible for paying industrial insurance premiums?

(i) The trainer will be responsible to pay the industrial insurance premiums owed. Premiums will be paid to the WHRC monthly, at the end of the coverage month or before the trainer leaves the track taking his/her horses when leaving before the end of the coverage month. WHRC will submit premiums to the department of labor and industries on a quarterly basis. The employee must be properly licensed by the WHRC for the duties being performed. This includes all exercise riders and pony riders who need steward approval of their license application, whether at the track or at the farm.

(ii) Licensed trainers shall be assessed:

(A) One unit of premiums in classification 6625 for each licensed groom or assistant trainer employed at any one time;

(B) One unit of premiums in classification 6626 for licensed exercise riders and pony riders charged per stall for each day the trainer has a horse housed in a stall at a licensed track during a licensed meet; and

(C) One unit of premiums in classification 6627 for licensed exercise riders and pony riders for each calendar day a licensed exercise rider or pony rider works under contract for the trainer at a location other than at a licensed track during a licensed meet.

(b) What does the trainer do when an employee leaves the job? Trainers must notify the WHRC within forty-eight hours when any employee leaves their employ. If a trainer fails to notify the WHRC timely, the trainer will be responsible for the full premium payment until notification is made.

(c) When are track employees covered under horse racing classifications?

(i) Track employees are only covered on the grounds of a Washington race track during its licensed race meet and periods of training. The licensed race meet and periods of training apply to that period of time when the WHRC has authority on the grounds, including the period before the live race meet begins, when horses are exercised in preparation for competition, and through the end of the licensed race meet.

(ii) Covered track employees who are licensed exercise riders or pony riders may work off the grounds of a Washington race track, but only after obtaining a farm employee license. The trainer must notify the WHRC when the employee will be working off the grounds, so that the additional per-day farm employee premium can be calculated and

assessed to the trainer for each day the track employee works off the grounds.

(iii) Employees working on the grounds of a Washington race track prior to or after this period must be covered as farm employees (classification 6627) to be able to make a claim against the horse racing industry account, or the trainer can cover such employees under another account (classification 7302).

(d) Who can be covered under the farm employee classification (6627)?

(i) Licensed exercise riders and pony riders working at the farm must be assigned to a trainer and not the farm. Such employees cannot be assigned to the owner of the farm or training center unless the owner is licensed as a trainer.

(ii) Covered farm employees who are licensed exercise riders or pony riders may come to the Washington race track to assist the trainer during the live race meet and periods of training. As long as a farm employee is covered at the farm, and the trainer notifies the WHRC when the employee will be working at the track, the farm employee may work at the track without additional premium being owed.

(e) Are employees covered while working in another state?

(i) Trainers with employees from Washington may continue coverage when they are at another recognized race track in another state if the other jurisdiction has a reciprocal agreement with the state of Washington. The trainer must pay the premiums for grooms and assistant trainers in classification 6625, and for exercise riders and pony riders at the farm in the farm classification, 6627. For a list of states with reciprocal agreements with the state of Washington, see WAC 296-17-31009.

(ii) Trainers will need to continue to report Washington employees to the WHRC prior to the start of each month so an assessment can be made.

(iii) Failure to report, or to report correctly, may result in the trainer being referred to the stewards or the executive secretary of the WHRC for action.

(iv) Track employees hired in another state or jurisdiction are not Washington employees. They are to be covered in the state or jurisdiction they were hired in. It is the trainer's responsibility to obtain coverage in the other state or jurisdiction.

(f) Must horse owners pay industrial insurance premiums in Washington? Licensed owners shall be assessed one hundred fifty dollars per year for one hundred percent ownership of one or more horses. Partial owners shall be assessed prorated amounts of the one hundred fifty dollar fee. In no event shall a licensed owner be required to pay more than one hundred fifty dollars. This fee helps fund workers' compensation coverage for injured workers. It does not extend any coverage to owners.

NEW SECTION

WAC 296-17-35205 Special reporting for taxi, for hire, limousine drivers or entities; and commercial transportation service drivers. (1) When does the law providing for nonmandatory coverage begin? The law takes effect July 24, 2015, and exempts the following individuals,

who may elect coverage as authorized under RCW 51.32.030:

(a) Drivers providing commercial transportation services (CTS), also sometimes known as transportation network company services (TNCs), as defined in Title 48 RCW;

(b) For-hire vehicle operators as defined under chapter 46.72 RCW who own the for-hire vehicle or lease it from others;

(c) Limousine drivers as defined under chapter 46.72A RCW who own the limousine or lease it from others; and

(d) Taxicab operators, as defined under chapter 81.72 RCW, who own the taxicab or lease it from others.

(2) What are the special rules for these drivers and entities? If you are exempt from mandatory coverage as described in subsection (1) of this section:

(a) You may elect to buy workers' compensation insurance to cover yourself as provided by RCW 51.32.030 and as defined in WAC 296-17-31007 Owner coverage.

(b) For the reporting period July 1, 2015, through July 23, 2015, if we do not receive an application for optional coverage from you by July 23, 2015, you must report your mandatory coverage on a prorated basis using one of these methods:

(i) For flat rate by driver, one hundred twenty hours per driver;

(ii) For flat rate by vehicle, two hundred forty hours per vehicle;

(iii) Actual hours worked.

(3) What are the quarterly reporting options for taxi drivers and entities, for-hire drivers and entities, and CTS drivers? When reporting for an entire quarter:

(a) If you are an exempt driver who has elected coverage, you may report your exposure under either subclassification 1401-01 (480 hours per quarter per driver) or 1401-03 (actual hours worked), but you must report all your exposure for the quarter under only one subclassification.

(b) If you are or an entity reporting mandatorily covered workers, you may choose to report all driver exposure under subclassifications 1401-01 (480 hours per quarter per driver), 1401-02 (960 hours per quarter per vehicle), or 1401-03 (actual hours worked), but you must report all driver exposure for a quarter under only one subclassification.

(c) Reporting method options:

(i) Flat rate by driver - The rate is based on four hundred eighty hours per driver each quarter (classification 1401-01);

(ii) Flat rate by vehicle - The rate is based on nine hundred sixty hours per vehicle each quarter (classification 1401-02);

(iii) Actual hours - The rate is based on actual hours worked (classification 1401-03).

Special note: If you report by driver or by actual hours worked, you must maintain verifiable records, such as lease agreements or payroll records.

(4) What are the quarterly reporting options for limousine drivers and entities, and cabulance drivers and entities? For exempt drivers who elect coverage and for entities paying for coverage for mandatorily covered workers, when reporting an entire quarter, hours must be reported in one of the following methods:

(a) Actual hours worked; or

(b) Four hundred eighty hours per quarter.

Special note: If you report actual hours worked, you must keep detailed records.

AMENDATORY SECTION (Amending WSR 11-24-022, filed 11/30/11, effective 1/1/12)

WAC 296-17A-1401 Classification 1401.

~~((1401-01 Taxicab companies – Flat rate by driver~~

~~Applies to establishments engaged in furnishing passenger transportation to others. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, assisting passengers in and out of the vehicle, pickup and delivery of small packages, and incidental "cabulance" services which may be offered in conjunction with the taxi service. This classification is for reporting drivers on a flat rate of four hundred eighty hours per driver each quarter.~~

~~This classification excludes: Owners who choose to report using a flat rate per vehicle who report in classification 1401-02; owners who choose to report actual hours who report in classification 1401-03; maintenance/repair of the vehicle which is to be reported in 3411; establishments that operate ambulance services which are to be reported separately in classification 1405; establishments that operate cabulance and paratransit services exclusively which are to be reported separately in classification 1404; and dispatchers with no other job duties who may be reported separately in classification 4904.~~

~~**Special note:** Establishments that furnish only a dispatch service for taxicab drivers who own or lease their own vehicles may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met. Employees of a taxicab dispatch service who perform maintenance/repair are to be reported separately in classification 3411. See RCW 51.08.180 for the definition of "worker" to aid in determining if drivers are employees. Please also refer to the special note in classification 1404-12.~~

~~**Special note:** Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.~~

~~1401-02 Taxicab companies – Flat rate by vehicle~~

~~Applies to establishments engaged in furnishing passenger transportation to others. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, assisting passengers in and out of the vehicle, pickup and delivery of small packages, and incidental "cabulance" services which may be offered in conjunction with the taxi service. This classification is for reporting vehicles on a flat rate of nine hundred sixty hours per vehicle each quarter.~~

~~This classification excludes: Owners who choose to report using a flat rate per driver who report in classification 1401-01; owners who choose to report actual hours worked who report in classification 1401-03; maintenance/repair of the vehicle which is to be reported in 3411; establishments~~

~~that operate ambulance services which are to be reported separately in classification 1405; establishments that operate cabulance and paratransit services exclusively which are to be reported separately in classification 1404; and dispatchers with no other job duties who may be reported separately in classification 4904.~~

~~**Special note:** Establishments that furnish only a dispatch service for taxicab drivers who own or lease their own vehicles may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met. Employees of a taxicab dispatch service who perform maintenance/repair are to be reported separately in classification 3411. See RCW 51.08.180 for the definition of "worker" to aid in determining if drivers are employees. Please also refer to the special note in classification 1404-12.~~

~~**Special note:** Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.~~

~~1401-03 Taxicab companies – Actual hours~~

~~Applies to establishments engaged in furnishing passenger transportation to others. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, assisting passengers in and out of the vehicle, pickup and delivery of small packages, and incidental "cabulance" services which may be offered in conjunction with the taxi service. This classification is for reporting taxis on an actual hours basis.~~

~~This classification excludes: Owners who choose to report using a flat rate per driver who report in classification 1401-01; owners who choose to report a flat rate per vehicle who report in classification 1401-02; maintenance/repair of the vehicle which is to be reported in 3411; establishments that operate ambulance services which are to be reported separately in classification 1405; establishments that operate cabulance and paratransit services exclusively which are to be reported separately in classification 1404; and dispatchers with no other job duties who may be reported separately in classification 4904.~~

~~**Special note:** Establishments that furnish only a dispatch service for taxicab drivers who own or lease their own vehicles may be reported separately in classification 4904 provided all the conditions of the general reporting rules covering standard exception employees have been met. Employees of a taxicab dispatch service who perform maintenance/repair are to be reported separately in classification 3411. See RCW 51.08.180 for the definition of "worker" to aid in determining if drivers are employees. Please also refer to the special note in classification 1404-12.~~

~~**Special note:** Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.~~

1401-04 Pedicab and horse drawn carriage companies

Applies to establishments engaged in furnishing passenger transportation to others using pedicab or horse drawn carriage.

Work contemplated by this classification includes, but is not limited to, operation of the vehicle, loading/unloading passengers' luggage, and assisting passengers in and out of the vehicle. This classification also includes the care and feeding of animals while vehicle is available for transporting passengers.

Businesses using this classification report the actual hours of operation per for-hire vehicle and must maintain records that are verifiable.)) Applies to providing passenger transportation to others, including:

• Establishments that employ taxi or for-hire drivers as defined under:

- Either chapter 81.72 or 46.72 RCW; and
- WAC 296-17-35205, which describes special reporting.

• Taxi or for-hire drivers as defined under either chapter 81.72 or 46.72 RCW, and who:

- Own their own vehicles or who lease vehicles from others; and

- Elect optional coverage as provided by RCW 51.32.030 and as defined in WAC 296-17-31007.

• Commercial transportation services (also known as transportation network company) drivers as defined in Title 48 who are exempt from coverage, but who have elected optional coverage as provided by RCW 51.32.030 and as defined in WAC 296-17-31007.

- Pedicab and horse drawn carriage companies.

Special note: If all conditions are met for the general reporting rules about standard exception employees, establishments that furnish only a dispatch service for taxicab drivers who own their own vehicles, or who lease vehicles from others, may be reported separately in classification 4904. Employees of a taxicab dispatch service who perform maintenance/repair of vehicles are reported separately in classification 3411.

Work contemplated by this classification includes, but is not limited to:

- Operation of the vehicle;
- Loading/unloading passengers' luggage;
- Assisting passengers in and out of the vehicle;
- Pickup and delivery of small packages; and
- Incidental "cabulance" services which may be offered in conjunction with the taxi service.

This classification excludes:

• Maintenance/repair of the vehicle which is reported in classification 3411;

• Establishments that operate ambulance services which is reported separately in classification 1405;

• Establishments that operate cabulance and paratransit services exclusively which is reported separately in classification 1404; and

• Dispatchers with no other job duties who may be reported separately in classification 4904.

For administrative purposes, classification 1401 is divided into the following subclassification(s):

1401-01 Passenger transportation companies - Flat rate by driver

This classification is for reporting drivers on a flat rate of four hundred eighty hours per driver each quarter.

1401-02 Passenger transportation companies - Flat rate by vehicle

This classification is for reporting vehicles on a flat rate of nine hundred sixty hours per vehicle each quarter.

1401-03 Passenger transportation companies - Actual hours

This classification is for reporting employees on an actual hours worked basis.

1401-04 Pedicab and horse-drawn carriage companies

Applies to establishments engaged in furnishing passenger transportation to others using pedicab or horse-drawn carriage.

Work contemplated by this classification includes, but is not limited to, care and feeding of animals while the vehicle is available for transporting passengers.

AMENDATORY SECTION (Amending WSR 11-24-022, filed 11/30/11, effective 1/1/12)

WAC 296-17A-1404 Classification 1404.**1404-06 Vessels, ferries, tugs, and steamboats, N.O.C.**

Applies to employees not covered under federal jurisdiction, or another classification (N.O.C.), who provide services for seaworthy vessels such as ferries, tugs, or steamboats at the docking site or on adjacent land. Vessels may operate seasonal or year-round. Employments include, but are not limited to, dock workers, maintenance workers, traffic control personnel, and night security personnel.

Special note: Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

1404-07 Train rides

Applies to establishments engaged in the operation of passenger excursion train rides for scenic or amusement purposes on an intrastate basis only. Excursion train rides are typically operated from a mountain, lake or similar site. The trains may operate on a seasonal basis in direct relation to the volume of tourists, weather conditions, or dates of local celebration. Employments in this classification include, but are not limited to, drivers/engineers, guides, lecturers, hostesses, and maintenance personnel. Ticket sellers may be reported separately in classification 4904 provided that they do not handle baggage and that the conditions of the standard exception general reporting rules have been met. On-board food service personnel may be reported separately in classification 3905 as long as their duties are limited to food service and they do not facilitate the train ride or train ride operation in any way.

1404-11 Escort and pilot cars

Applies to establishments that provide escort or pilot car services for others. The duties include driving ahead of, or behind, various types of vehicles.

This classification excludes employees of an employer assigned to drive escort or pilot cars in connection with the delivery of equipment, buildings, goods, or similar items which the employer sells or contracts to deliver. Such employment is ~~((to be))~~ reported separately in the classification applicable to sales or delivery of such items. For example, an escort driver employed by a common carrier transporting a modular home to a customer's site is ~~((to be))~~ reported separately in classification 1102.

1404-12 Cabulance and paratransit

Applies exclusively to establishments that provide on-demand, nonemergency transportation services to passengers with special needs. Vehicles used are usually vans that are equipped for accessibility to accommodate passengers with mobility limitations including passengers in wheelchairs or gurneys. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, assisting passengers in and out of the vehicle, and maintenance/repair of the vehicle when performed by employees of an employer subject to this classification.

This classification excludes:

- Cabulance services offered in conjunction with a taxi service ~~((which are to be reported separately in))~~; see classification 1401(7);

- Cabulance services offered in conjunction with an ambulance service which are ~~((to be))~~ reported separately in classification 1405(7);

- Paratransit services offered in conjunction with a municipal bus or transit system which are ~~((to be))~~ included in classification 0803 or 1501 as appropriate(7);

- Ambulance services which are ~~((to be))~~ reported separately in classification 1405(7);

- Limousine drivers ~~((who are to be reported separately in))~~; see classification 6301(7); and

- Dispatchers with no other duties who are ~~((to be))~~ reported separately in classification 4904.

Special note: Care should be exercised in determining what type of cabulance service is being provided. This classification *is not to be* assigned when provided as an incidental part of a taxi cab service subject to classification 1401. A cabulance service as defined in this rule will need a specialized van or bus to transport passengers as opposed to a passenger automobile that is not equipped to accommodate special mobility needs. The transportation service must be prearranged.

~~((Special note: Vehicle owners are responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing. The department of licensing will suspend or revoke the for-hire vehicle certificate until the premiums are paid.))~~

AMENDATORY SECTION (Amending WSR 14-17-085, filed 8/19/14, effective 9/19/14)

WAC 296-17A-6301 Classification 6301.**Lot and marina sales personnel for vehicles and pleasure craft; driving instructors, and limousine drivers**

Classification **6301** is a standard exception classification, as described in WAC 296-17-31018 Exception classifications, with restrictions on both the type of work and where the work can take place. If any of a worker's duties are excluded from **6301** because of restrictions described in this rule, then none of the worker's hours may be reported in classification **6301**.

Special note: Care must be taken to:

- Look beyond job titles such as "salesperson" or "driving instructor." Job titles do not ensure the work or the workplace meet the requirements for **6301**;

- Ensure standard exceptions are permitted - Some basic classifications include sales;

- Ensure workers assigned to classification **6301** perform no work other than what is allowed by this classification and that permitted in WAC 296-17-4904.

Classification **6301** is restricted to the following work areas:

- Those allowed for office work in WAC 296-17A-4904;
- Classrooms;
- Sales lots and other sales display areas;
- In a vehicle/water craft for a test drive or instruction;
- Operating a "special occasion" limousine.

Classification **6301** includes all activities allowed by WAC 296-17A-4904 (office workers) as well as:

- Test driving;
- Showing and demonstrating products;
- Sales training;
- In car driving instruction for driving schools;
- Driving for limousine services that take people to and from special events by appointment.

Classification **6301** excludes:

- Classroom instructors or administrators at driving schools performing no work inside vehicles, who are reported separately in classification **6103**;

- Vehicle repair or maintenance work reported separately in classification **3411**;

- In vehicle driving instructors for high schools, who are reported in classification **6104**;

- Airport limousine services or similar shuttle type operations that are reported separately in classification **1407**;

- On call taxi-type services ~~((that are reported separately in))~~. See classification **1401**;

- Dealership employees responsible for transporting vehicles (such as cars purchased at an auction) who are reported separately in classification **3411**.

For administrative purposes, classification **6301** is divided into the following subclassifications:

6301-00 Sales personnel: Vehicles and marine pleasure craft**6301-06 Instructors of driving schools****6301-07 Limousine drivers**

~~((**Special note:** The owner of a limousine is responsible for payment of workers' compensation premiums. The department will report nonpayment to the department of licensing and the for hire vehicle certification will be revoked until payment is made. See also WAC 296-17-35203(9), Special reporting instruction.))~~

WSR 15-15-150
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 21, 2015, 7:55 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-17-089.

Title of Rule and Other Identifying Information: eRules phase III; chapter 296-56 WAC, Safety standards for long-shore, stevedore, and waterfront operations; chapter 296-809 WAC, Confined spaces; chapter 296-806 WAC, Machine safety; chapter 296-828 WAC, Hazardous chemicals in laboratories; chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants; and chapter 296-864 WAC, Split (multipiece) rim and single-piece rim wheels.

Hearing Location(s): Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98501, on September 14, 2015, at 1:00 p.m.

Date of Intended Adoption: October 27, 2015.

Submit Written Comments to: Tari Enos, P.O. Box 44620, Olympia, WA 98504, e-mail tari.enos@lni.wa.gov, fax (360) 902-5619, by September 21, 2015.

Assistance for Persons with Disabilities: Contact Tari Enos by September 8, 2015, at (360) 902-5541.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:

- No changes in requirements as a result of this rule making.
- Consistent format for all DOSH safety and health rules.
- Easy to access rules for smart phone and table [tablet] users.
- Easy navigation in PDF files provided through bookmarks in the rules.
- Easier referencing by replacing bullets and dashes with numbers and letters.
- Enhanced rule update efficiency for customers through electronic postings.

Reasons Supporting Proposal: When the agency updated its web site, template DOSH rules in HTML were broken and DOSH began forwarding rule users to the office of the code reviser web site, causing more confusion among customers. This rule package will resolve stakeholder issues that have caused confusion for rule users by bringing one clear and consistent format to all of our rules.

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: Chris Miller, Tumwater, (360) 902-5516; Implementation and Enforcement: Anne Soiza, Tumwater, (360) 902-5090.

No small business economic impact statement has been prepared under chapter 19.85 RCW. No change in requirements, so no economic impact.

A cost-benefit analysis is not required under RCW 34.05.328. No change in requirements, so no change in costs or benefits.

July 22 [21], 2015

Joel Sacks

Director

NEW SECTION

WAC 296-56-099 Definitions. Approved. The equipment has been approved for the specified use by a nationally recognized testing laboratory.

Approved power-operated industrial truck. One listed or approved for the intended use by a nationally recognized testing laboratory.

Apron. That open portion of a marine terminal immediately adjacent to a vessel berth and used in the direct transfer of cargo between the terminal and vessel.

Assistant director for DOSH. The assistant director of DOSH services, department of labor and industries or their authorized representative.

Authorized. In reference to an employee's assignment, means selected by the employer for that purpose.

Cage (basket guard). A barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.

Cargo board. The typical wing or lip-type stevedore board hoisted to or from vessels by means of a bar bridle. Other pallet boards include all other platforms used to hold cargo for the purpose of transporting it from place to place.

Cargo door (transit shed door). A door designed to permit transfer of cargo to and from a marine terminal structure.

Cargo packaging. Any method of containment for shipment, including cases, cartons, crates, and sacks, but excluding large units such as intermodal containers, vans, or similar devices.

Confined space. A space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults, and pits are spaces that may have limited means of entry); and

(c) Is not designed for continuous employee occupancy.

Conveyor. A device designed exclusively for transporting bulk materials, packages or objects in a predetermined path and having fixed or selective points of loading or discharge.

Danger zone. Any place in or about a machine or piece of equipment where an employee may be struck by or caught between moving parts, caught between moving and stationary objects or parts of the machine, caught between the material and a moving part of the machine, burned by hot surfaces or exposed to electric shock. Examples of danger zones are nip and shear points, shear lines, drive mechanisms, and areas beneath counterweights.

Designated person. A person who possesses specialized abilities in a specific area and is assigned by the employer to perform a specific task in that area.

Dock. A wharf or pier forming all or part of a waterfront facility, including marginal or quayside berthing facilities; not to be confused with "loading dock" as at a transit shed or container freight station, or with the body of water between piers or wharves.

Dock facilities. Includes all piers, wharves, sheds, aprons, dolphins, cranes, or other gear or equipment owned or controlled by the dock or facility owner, where cargo or materials are loaded, moved or handled to or from a vessel.

Dockboards (car and bridge plates). Devices for spanning short distances between rail cars or highway vehicles and loading platforms that do not expose employees to falls greater than 4 feet (1.22 m).

DOSH. Division of Occupational Safety and Health.

Elevator. A permanent hoisting and lowering mechanism with a car or platform moving vertically in guides and serving two or more floors of a structure. The term excludes such devices as conveyors, tiering or piling machines, material hoists, skip or furnace hoists, wharf ramps, lift bridges, car lifts, and dumpers.

Enclosed space. An indoor space, other than a confined space, that may contain or accumulate a hazardous atmosphere due to inadequate natural ventilation. Examples of enclosed spaces are trailers, railcars, and storage rooms.

Escalator. A power-driven continuous moving stairway principally intended for the use of persons.

Examination. As applied to material handling devices required to be certified by this chapter, means a comprehensive survey consisting of the criteria outlined in WAC 296-56-60093 through 296-56-60097. The examination is supplemented by a unit proof test in the case of annual survey.

Fixed ladder. A ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.

Fixed stairway. Interior or exterior stairs serving machinery, tanks, or equipment, and stairs to or from floors, platforms, or pits. The term does not apply to stairs intended only for fire exit purposes, to articulated stairs (the angle of which changes with the rise and fall of the base support) or to stairs forming an integral part of machinery.

Flammable atmosphere. An atmosphere containing more than ten percent of the lower flammable limit (LFL) of a flammable or combustible vapor or dust mixed with air. Such atmospheres are usually toxic as well as flammable.

Front-end attachments.

(a) As applied to power-operated industrial trucks, means the various devices, such as roll clamps, rotating and sideshifting carriages, magnets, rams, crane arms or booms,

load stabilizers, scoops, buckets, and dumping bins, attached to the load end for handling lifts as single or multiple units.

(b) As applied to cranes, means various attachments applied to the basic machine for the performance of functions such as lifting, clamshell, or magnet services.

Fumigant. Is a substance or mixture of substances, used to kill pests or prevent infestation, which is a gas or is rapidly or progressively transformed to the gaseous state even though some nongaseous or particulate matter may remain and be dispersed in the treatment space.

Guarded. Shielded, fenced, or enclosed by covers, casings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to employees) and point of operation guarding (using barrier guards, two-hand tripping devices, electronic safety devices, or other such devices).

Hazardous cargo, material, substance or atmosphere.

(a) Any substance listed in chapters 296-62 and 296-841 WAC;

(b) Any material in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 C.F.R. Part 172;

(c) Any article not properly described by a name in the hazardous materials table and hazardous materials communications regulations of the Department of Transportation, 49 C.F.R. Part 172, but which is properly classified under the definition of those categories of dangerous articles given in 49 C.F.R. Part 173;

(d) Atmospheres having concentrations of airborne chemicals in excess of permissible exposure limits as defined in chapter 296-62 WAC; or

(e) Any atmosphere with an oxygen content of less than nineteen and one-half percent by volume.

Hot work. Riveting, welding, flame cutting or other fire or spark-producing operation.

House falls. Spans and supporting members, winches, blocks, and standing and running rigging forming part of a marine terminal and used with a vessel's cargo gear to load or unload by means of married falls.

Inspection. As applied to material handling devices required to be certified by this chapter, includes a complete visual examination of all visible parts of the device.

Intermodal container. A reusable cargo container of rigid construction and rectangular configuration intended to contain one or more articles of cargo or bulk commodities for transportation by water and one or more other transport modes without intermediate cargo handling. The term includes completely enclosed units, open top units, fractional height units, units incorporating liquid or gas tanks and other variations fitting into the container system, demountable or with attached wheels. It does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other form of packaging.

Ladder safety device. A support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.

Loose gear. Removable or replaceable components of equipment or devices which may be used with or as a part of

assembled material handling units for purposes such as making connections, changing line direction and multiplying mechanical advantage. Examples include shackles and snatch blocks.

Marina. A small harbor or boat basin providing dockage, supplies, and services for small craft.

Marine terminal. Wharves, bulkheads, quays, piers, docks, and other berthing locations and adjacent storage or contiguous areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel. It includes structures which are devoted to receiving, handling, holding, consolidation, loading or delivery of waterborne shipments and passengers, and areas devoted to the maintenance of the terminal or equipment. The term does not include production or manufacturing areas having their own docking facilities and located at a marine terminal nor storage facilities directly associated with those production or manufacturing areas.

Other pallet boards. All other platforms used to hold cargo for the purpose of transporting it from place to place.

Permit-required confined space (permit space). A confined space that has one or more of the following characteristics:

- (a) Contains or has a potential to contain a hazardous atmosphere;
- (b) Contains a material that has the potential for engulfing an entrant;
- (c) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or
- (d) Contains any other recognized serious safety or health hazard.

Ramps. Other flat-surface devices for passage between levels and across openings not covered under "dockboards."

Ship's stores. Materials that are aboard a vessel for the upkeep, maintenance, safety, operation, or navigation of the vessel, or for the safety or comfort of the vessel's passengers or crew.

Spiral stairway. One with closed circular form, uniform sector-shaped treads and a supporting column.

Spray booth. An enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.

Spraying area. Any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.

Well. A permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.

~~((PART A - GENERAL))~~

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-600 Marine terminals.

Summary

Your responsibility: To protect employees from hazards associated with marine terminals.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Scope and applicability</u>	<u>WAC 296-56-60001</u>
<u>Variance and procedure</u>	<u>WAC 296-56-60003</u>
<u>Definitions</u>	<u>WAC 296-56-60005</u>
<u>Personnel</u>	<u>WAC 296-56-60006</u>
<u>Housekeeping</u>	<u>WAC 296-56-60007</u>
<u>Accident prevention program</u>	<u>WAC 296-56-60009</u>
<u>Emergency action plans</u>	<u>WAC 296-56-60010</u>

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60006 Personnel. (1) ~~((Qualifications of))~~ You must make sure machinery operators~~(-)~~ meet qualifications:

(a) Only those employees determined by the employer to be competent by reason of training or experience, who understand the signs, notices, and operating instructions and are familiar with the signal code in use ~~((shall))~~ must be permitted to operate a crane, winch, or other power-operated cargo handling apparatus, or any power-operated vehicle, or give signals to the operator of any hoisting apparatus. Employees being trained and supervised by a designated individual may operate such machinery and give signals to operators during training.

(b) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate the employee ~~((shall))~~ must be permitted to operate a crane, winch, other power-operated cargo handling apparatus, or a power-operated vehicle.

(c) Persons who have recovered from a heart attack ~~((shall))~~ must be exempted from the provisions of (b) of this subsection, as it pertains to their heart condition, provided:

(i) A medical release is obtained from their attending medical doctor.

(ii) The release ~~((shall))~~ must state that the operation of a crane, winch, power-operated cargo handling apparatus, or power-operated vehicle, will not present a hazard to themselves or others.

(iii) An examination by a medical doctor, and renewal of the work release certification is required annually.

(2) You must meet the following requirements for supervisory accident prevention proficiency(-):

(a) Immediate supervisors of cargo-handling operations of more than five persons ~~((shall))~~ must satisfactorily complete a course in accident prevention. Employees newly assigned to supervisory duties ~~((shall))~~ must be required to meet the provisions of this subsection (2)(a) within ninety days of such assignment.

(b) The course ~~((shall))~~ must consist of instruction suited to the particular operations involved.

(c) No minor under eighteen years of age ~~((shall))~~ must be employed in occupations involving the operation of any power-operated hoisting apparatus or assisting in such opera-

tions by performing work such as hooking on or landing drafts, rigging gear, etc.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

WAC 296-56-60007 Housekeeping. (1) You must keep active work areas (~~(shall be kept)~~) free of equipment and materials not in use, and clear of debris, projecting nails, strapping and other sharp objects not necessary for the work in progress.

(2) You must make sure hatch beams, covers, and pontoons placed in terminal working areas (~~(shall be)~~) are stowed in stable piles with beams secured against tipping or falling. Alternatively, beams may be laid on their sides. When beams and pontoons are stowed in tiers more than one high, dunnage or other suitable material (~~(shall)~~) must be used under and between tiers.

(3) (~~(Cargo and material shall)~~) You must not obstruct access to vessels, cranes, vehicles, or buildings with cargo and materials. Means of access and egress within buildings (~~(shall)~~) must be unobstructed.

(4) (~~(The employer shall)~~) You must eliminate, to the extent possible, conditions causing slippery working or walking surfaces in immediate work areas used by employees.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-56-60009 Accident prevention program.

(1) You must establish an accident prevention program, which provides equitable management-employee participation, (~~(shall be established)~~) in all establishments, industrial plants, or operations.

(2) (~~(It shall be the responsibility of the employer to)~~) You must initiate and maintain the accident prevention program necessary to comply with this section. (~~(The division of WISHA services)~~) DOSH may be contacted for assistance in initiating and maintaining an effective accident prevention program.

(3) You must tailor all accident prevention programs (~~(shall be tailored)~~) to the needs of the particular operation.

(4) You must have employer and employee representatives, as elected, delegated or appointed, (~~(shall)~~) to attend and actively take part in frequent and regular safety committee meetings.

(5) You must provide in the accident prevention programs (~~(shall provide)~~) for employer-employee safety meetings and frequent and regular safety inspections of job sites, materials, equipment, and operating procedures.

(6) You must maintain a record of safety activities, such as inspections and meetings, (~~(shall be maintained by the employer)~~) for a period covering the previous twelve months and (~~(shall)~~) must be made available, upon request, to non-compliance personnel of the department of labor and industries.

(7) You must ensure employees (~~(shall)~~) individually comply with all safety rules and cooperate with management in carrying out the accident prevention program.

(8) You must establish committees in each port to make effective the preceding statement and promote on-the-job

accident prevention (~~(, committees shall be established in each port)~~). These committees (~~(shall)~~) must consist of an equal number of port or stevedore company and longshoremen representatives at the job level with the industry or company safety supervisor serving as secretary and coordinator. Some functions of the committee are to maintain the interest of the workers in accident prevention by providing for their actual participation in the program, to direct their attention to the real causes of accidents, and to provide a means for making practical use of their intimate knowledge of working conditions and practices.

(9) It is intended that this program will produce mutually practical and effective recommendations regarding correction of accident-producing circumstances and conditions.

Note: For first-aid requirements, see WAC 296-800-150.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-56-60010 Emergency action plans. (1) (~~(Scope and application. This section requires all employers to)~~) You must develop and implement an emergency action plan. The emergency action plan (~~(shall)~~) must be in writing (except as provided in subsection (5)(d) of this section) and (~~(shall)~~) must cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

Note: When an employer directs (~~(his or her)~~) their employees to respond to an emergency that is beyond the scope of the emergency action plan developed in accordance with this section, then chapter 296-824 WAC (~~(shall)~~) must apply.

(2) (~~(Elements.)~~) You must include the following elements, at a minimum, (~~(shall be included)~~) in the plan:

(a) Emergency escape procedures and emergency escape route assignments;

(b) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;

(c) Procedures to account for all employees after emergency evacuation has been completed;

(d) Rescue and medical duties for those employees who are to perform them;

(e) The preferred means of reporting fires and other emergencies; and

(f) Names or regular job titles of persons or departments that can be contacted for further information or explanation of duties under the plan.

(3) (~~(Alarm system. The employer shall)~~) You must establish an employee alarm system that provides warning for necessary emergency action and for reaction time for safe escape of employees from the workplace or the immediate work area.

(4) (~~(Evacuation. The employer shall)~~) You must establish the types of evacuation to be used in emergency circumstances.

(5) (~~(Training.)~~) You must meet the following requirements for training:

(a) Before implementing the emergency action plan, (~~(the employer shall)~~) you must designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.

(b) ~~((The employer shall))~~ You must review the plan with each employee covered by the plan at the following times:

- (i) Initially when the plan is developed;
 - (ii) Whenever the employee's responsibilities or designated actions under the plan change; and
 - (iii) Whenever the plan is changed.
- (c) ~~((The employer shall))~~ You must review with each employee upon initial assignment those parts of the plan that the employee must know to protect the employee in the event of an emergency. The written plan ~~((shall))~~ must be kept at the workplace and be made available for employee review.
- (d) ~~((Employers with ten or fewer employees))~~ You may communicate the plan orally to employees and need not maintain a written plan if you have ten or fewer employees.

~~((PART B - WATERFRONT OPERATIONS))~~

NEW SECTION

WAC 296-56-60010A Waterfront operations.

Summary

This section applies to all waterfront operations in your workplace.

Your responsibility: To protect employees from waterfront operation hazards in your workplace.

You must meet the requirements ...	in this section:
Slinging	WAC 296-56-60011
Stacking of cargo and pallets	WAC 296-56-60013
Coopering	WAC 296-56-60015
Line handling	WAC 296-56-60017
Standard gauge railroad operations	WAC 296-56-60019
Signals displayed by each maintenance crew	WAC 296-56-60021
Warning flags or lights	WAC 296-56-60023
Signals unobscured	WAC 296-56-60025
Audible warning system	WAC 296-56-60027
Safety observer on railroad switching	WAC 296-56-60029
Warning at road crossing	WAC 296-56-60031
Flying switches	WAC 296-56-60033
Clearance from railroad tracks	WAC 296-56-60035
Car plates	WAC 296-56-60037
Dockboards (bridge plates)	WAC 296-56-60039
Log handling	WAC 296-56-60041
Movement of barges and railcars	WAC 296-56-60043
Communication	WAC 296-56-60045
Open fires	WAC 296-56-60047

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60011 Slinging. (1) ~~((Drafts shall be safely slung))~~ You must safely sling drafts before being hoisted. Loose dunnage or debris hanging or protruding from loads ~~((shall))~~ must be removed.

(2) You must hoist bales of cotton, wool, cork, wood pulp, gunny bags, or similar articles ~~((shall be hoisted))~~ only by straps strong enough to support the weight of the bale. At least two hooks, each in a separate strap, ~~((shall))~~ must be used.

(3) You must only hoist unitized loads bound by bands or straps ~~((shall only be hoisted))~~ by the banding or strapping if the banding or strapping is suitable for hoisting and is strong enough to support the weight of the load.

(4) You must use additional means of hoisting ~~((shall be employed))~~ to ensure safe lifting of unitized loads having damaged banding or strapping.

(5) You must use case hooks ~~((shall be used))~~ only with cases designed to be hoisted by these hooks.

(6) You must guide loads requiring continuous manual guidance during handling ~~((shall be guided))~~ by guide ropes (tag lines) that are long enough to control the load.

(7) You must handle intermodal containers ~~((shall be handled))~~ in accordance with WAC 296-56-60103.

(8) ~~((The employer shall))~~ You must require employees to stay clear of the area beneath overhead drafts or descending lifting gear.

(9) ~~((Employees shall not be permitted))~~ You must not permit employees to ride the hook or the load.

(10) You must attach cargo handling bridles, such as pallet bridles, which are to remain attached to the hoisting gear while hoisting successive drafts, ~~((shall be attached))~~ by shackles, or other positive means ~~((shall))~~ must be taken to prevent them from becoming accidentally disengaged from the cargo hook.

(11) You must sling drafts of lumber, pipe, dunnage and other pieces, the top layer of which is not bound by the sling, ~~((shall be slung))~~ in such a manner as to prevent sliders. Double slings ~~((shall))~~ must be used on unstrapped dunnage, except, when due to the size of hatch or deep tank openings, it is impractical to use them.

(12) You must not load hand loaded buckets, tubs, bins and baskets used in handling bulk cargo ~~((shall not be loaded))~~ above their rim.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60013 Stacking of cargo and pallets. You must stack cargo, pallets, and other material stored in tiers ~~((shall be stacked))~~ in such a manner as to provide stability against sliding and collapse.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60015 Coopering. You must perform repair and reconditioning of damaged or leaking cargo pack-

aging (coopering) ~~((shall be performed))~~ so as not to endanger employees.

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

WAC 296-56-60017 Line handling. (1) ~~((In order to provide safe access for handling lines while mooring and unmooring vessels;))~~ You must not stow cargo or material ((shall not be stowed or vehicles placed)) or place vehicles where they obstruct the work surface, in order to provide safe access for handling lines while mooring and unmooring vessels.

(2) You must install grab lines or rails on the sides of permanent structures when stringpiece or apron width is insufficient for safe footing((, grab lines or rails shall be installed on the sides of permanent structures)). ("Stringpiece" means a narrow walkway between the water edge of a berth and a shed or other structure.)

(3) You must light areas around bitts or cleats where workers perform their duties as line handlers ((shall be lighted)) as required by this chapter. There ((shall) must be a nonslip surface around each bitt or cleat.

(4) You must ensure a six inch by six inch toeboard is installed if the handrail is omitted on the line handling side for walkways on which the mooring hawsers must be moved ((may have the handrail omitted on the line handling side provided a six inch by six inch toeboard is installed)).

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60019 Standard gauge railroad operations. WAC 296-56-60019 through 296-56-60041 apply to standard gauge railroad operations.

(1) ~~((Work shall be))~~ You must make sure work is performed in railcars only if floors of the railcars are in visibly safe condition for the work activity being conducted and the equipment being used.

(2) You must establish a route ((shall be established)) to allow employees to pass to and from places of employment without passing under, over or through railcars, or between cars less than ten feet (3 m) apart on the same track.

(3) ~~((The employer shall))~~ You must direct that no employees remain in railcars after work is concluded. No employee ((shall) may remain in a railcar after work is concluded.

(4) ~~((Railcars shall be))~~ You must make sure railcars are chocked or otherwise prevented from moving:

(a) While dockboards or carplates are in position; or

(b) While employees are working within, on or under the railcars or near the tracks at the ends of the cars.

(5) You must take positive means to protect employees from exposure to impact from moving railcars when employees are working in, on, or under a railcar((, positive means shall be taken to protect them from exposure to impact from moving railcars)).

(6) You must protect employees by flags and derails set a minimum of fifty feet from one or both ends of the worksite when there is work being carried on, in, or under cars which subjects employees to the hazard of moving railroad equip-

ment ~~((shall be protected by flags and derails set a minimum of fifty feet from one or both ends of the worksite)).~~ Where the spur track switch is less than fifty feet from the work location, the switch padlocked in the open position may take the place of the derail. The blue flag ~~((shall))~~ must be placed at that point.

(7) You must remove or place unsecured and over-hanging stakes, wire straps, banding, and similar objects so as not to create hazards before cars are moved((, unsecured and over-hanging stakes, wire straps, banding, and similar objects shall be removed or placed so as not to create hazards)).

(8) ~~((The employer shall))~~ You must institute all necessary controls during railcar movement to safeguard personnel. If winches or capstans are employed for movement, employees ~~((shall))~~ must stand clear of the hauling rope and ~~((shall))~~ must not stand between the rope and the cars.

(9) You must open doors slightly before being opened fully((, doors shall be opened slightly)) to ensure that the load has not shifted during transit. Special precautions ~~((shall))~~ must be taken if the doors being opened are visibly damaged.

(10) You must equip trucks or railcar doors with door opening attachments if power industrial trucks are used to open freight car doors((, the trucks or the railcar doors shall be equipped with door opening attachments)). Employees ~~((shall))~~ must stand clear of the railcar doors while they are being opened and closed.

(11) ~~((Only))~~ You must only use railcar door openers or power trucks equipped with door opening attachments ~~((shall be used))~~ to open jammed doors.

(12) ~~((Employees shall))~~ You must make sure employees do not remain in or on gondolas or flat cars when drafts that create overhead, caught-in, caught-between or struck-by hazards are being landed in or on the railcar. End gates, if raised, ((shall) must be secured.

(13) You must make sure operators of railcar dumps ((shall) have an unrestricted view of dumping operations and ((shall) must have an emergency means of stopping movement.

(14) You must enclose recessed railroad switches ((shall be enclosed)) to provide a level surface.

(15) You must post warning signs ((shall be posted)) where doorways open onto tracks, at blind corners and at similar places where vision may be restricted.

(16) You must post warning signs ((shall be posted)) if insufficient clearance for personnel exists between railcars and structures.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60021 Signals displayed by each maintenance crew. You must have each maintenance crew ((shall)) display and remove its own set of blue signals.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60023 Warning flags or lights. You must display a blue flag, bright colored flag or blue light ((shall be displayed)) at one or both ends of an engine, car or train to indicate that workers are under or about the railway

equipment. When such warning devices are displayed, the equipment ~~((shall))~~ must not be coupled to or moved. On a dead end spur, a blue light or flag may be displayed adjacent to the switch opening while cars are being loaded or unloaded.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60025 Signals unobscured. You must not place equipment which could obscure signals ~~((shall not be placed))~~ on the track.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60027 Audible warning system. You must employ a clearly audible warning system ~~((shall be employed))~~ when cars are being moved in areas where workers may be in the vicinity of the tracks. When the audible warning signal might not be heard above the surrounding noises, a person ~~((shall))~~ must be delegated and stationed close enough to the track crew to warn them, by contact, of the oncoming equipment.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60029 Safety observer on railroad switching. You must have a person charged with the responsibility to warn of an approaching switch of the railway car or cars when persons are required to work between railway cars, underneath railway cars or in areas where switching is done, ~~((there shall be a person charged with the responsibility to warn of an approaching switch of the railway car or cars,))~~ unless other reasonable and practical safeguards are provided.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60031 Warning at road crossing. You must have the locomotive engineer sound an audible whistle, horn or bell ~~((shall be sounded by the locomotive engineer))~~ to give adequate warning prior to switching across any road crossing. Whenever cars are pushed with a locomotive, a signalman ~~((shall))~~ must be located at the crossing to give signals in conjunction with other warnings by the engineer.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60033 Flying switches. You must not use flying switches ~~((shall not be used))~~ when switching railroad equipment in congested areas or across roadways or walkways.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60035 Clearance from railroad tracks. You must not stack or pile materials ~~((shall not be stacked or piled))~~ closer than eight and one-half feet from the center line of the railroad tracks.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60037 Car plates. You must use a railway car plate whenever workers are required to move cargo into or out of a railway car ~~((a railway car plate shall be used which shall))~~ that meets the following specifications:

(1) All car plates ~~((shall))~~ must be strong enough to carry maximum loads with a safety factor of three.

(2) All car plates ~~((shall))~~ must be provided with positive stops to prevent shifting of plates. One set of these stops ~~((shall))~~ must be adjustable to allow for different spaces between car door and platform.

(3) Car plates ~~((shall))~~ must be so shaped that edges will always bear on the floor of car and platform to prevent "teetering" or rocking.

(4) All car plates ~~((shall))~~ must have skid resistant surfaces.

(5) All car plates ~~((shall))~~ must be provided with toe or guard plates at the sides with a minimum height of four inches.

(6) All car plates must bear no less than six inches back from edge of platform.

(7) Maximum capacity of car plates ~~((shall))~~ must be marked in a conspicuous place.

(8) Car plates ~~((shall))~~ must be provided with an appropriate fixture to enable the plates to be lifted and moved by fork trucks.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60039 Dockboards (bridge plates). (1) You must use portable and powered dockboards ~~((shall be))~~ strong enough to carry the load imposed.

(2) You must secure portable dockboards ~~((shall be secured))~~ in position, either by being anchored or equipped with devices which will prevent slipping.

(3) You must design and construct powered dockboards ~~((shall be designed and constructed))~~ in accordance with commercial standards CS202-56 (1956) *Industrial Lifts and Hinged Loading Ramps* published by the United States Department of Commerce.

(4) You must provide handholds or other effective means ~~((shall be provided))~~ on portable dockboards to permit safe handling.

(5) You must provide positive protection ~~((shall be provided))~~ to prevent railroad cars from being moved while dockboards or bridge plates are in position.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

WAC 296-56-60041 Log handling. (1) ~~((The employer shall))~~ You must ensure that structures (bunks) used to contain logs have rounded corners and rounded structural parts to avoid sling damage.

(2) You must have two or more binders or equivalently safe means of containment ~~((shall remain))~~ on logging trucks and railcars to secure logs during movement of the truck or car within the terminal. During unloading, logs ~~((shall))~~ must be prevented from moving while binders are being removed.

(3) ~~((Logs shall be hoisted))~~ You must hoist logs by two slings or by other gear designed for safe hoisting.

(4) You must not stack logs placed adjacent to vehicle curbs on the dock ~~((shall not be))~~ over one tier high unless placed in bunks or so stacked as not to roll or otherwise creating a hazard to employees.

(5) You must make sure before logs are slung up from the dock, they ~~((shall be))~~ are stably supported to prevent spreading and to allow passage of slings beneath the load. When bunks or similar retaining devices are used, no log shall be higher than the stanchions or retaining members of the device.

(6) You must make sure a draft of logs for hoisting aboard ship ~~((shall))~~ will not vary in length more than twenty percent.

(7) You must make sure audible alarms~~(-)~~ meet the following requirements:

(a) All bidirectional machines, ~~((shall))~~ must be equipped with a horn, distinguishable from the surrounding noise level, which ~~((shall))~~ must be operated as needed when the machine is moving in either direction. The horn ~~((shall))~~ must be maintained in operable condition.

(b) Automatic back-up alarms ~~((shall))~~ must be installed on bidirectional equipment used to handle logs or containers and ~~((shall))~~ must be maintained in operable condition.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

WAC 296-56-60043 Movement of barges and railcars. You must not move barges and railcars ~~((shall not be moved))~~ by cargo runners (running rigging) from vessel cargo booms, cranes or other equipment not suitable for the purpose.

AMENDATORY SECTION (Amending WSR 85-10-004, filed 4/19/85)

WAC 296-56-60045 Communication. (1) ~~((Radio))~~ You must provide crane operators, when practical and safe, ~~((crane operators shall be provided))~~ with a radio or telephone to be in contact with the signalman or crane chaser in those cases where a signalman or crane chaser is required.

(2) ~~((Interference))~~ You must make sure cargo handling operations ~~((shall not be))~~ are not carried on when noise-producing maintenance, construction or repair work interferes with communication of warnings or instructions.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60047 Open fires. You must prohibit open fires and fires in drums or similar containers ~~((are prohibited))~~.

~~((PART C HAZARDOUS ATMOSPHERES AND MATERIALS))~~

NEW SECTION

WAC 296-56-60048 Hazardous atmospheres and materials.

Summary

This section applies to all machines in your workplace.

Your responsibility: To protect employees from hazardous atmospheres and materials in the workplace.

You must meet the requirements ...	in this section:
Hazardous cargo	WAC 296-56-60049
Handling explosives or hazardous materials	WAC 296-56-60051
Hazardous atmospheres and substances	WAC 296-56-60053
Carbon monoxide	WAC 296-56-60055
Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-60049, 296-56-60051 and 296-56-60053)	WAC 296-56-60057

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60049 Hazardous cargo. (1) You must ascertain whether any hazardous cargo is to be handled and must determine the nature of the hazard before cargo handling operations begin~~((, the employer shall ascertain whether any hazardous cargo is to be handled and shall determine the nature of the hazard. The employer shall))~~. You must inform employees of the nature of any hazard and any special precautions to be taken to prevent employee exposure, and ~~((shall))~~ must instruct employees to notify the employer of any leaks or spills.

(2) You must sling and secure all hazardous cargo ~~((shall be slung and secured))~~ so that neither the draft nor individual packages can fall as a result of tipping the draft or slackening of the supporting gear.

(3) You must remove employees from the affected area if hazardous cargo is spilled or if its packaging leaks~~((, employees shall be removed from the affected area))~~ until the employer has ascertained the specific hazards, provided any equipment, clothing, ventilation and fire protection equipment necessary to eliminate or protect against the hazard. Cleanup employees ~~((shall))~~ must be instructed as to the safe method of cleaning up and disposing of the spill, and handling and disposing of leaking containers. Actual cleanup or

disposal work (~~(shall)~~) must be conducted under the supervision of a designated person.

(4) The Department of Transportation and the United States Coast Guard impose requirements related to handling, storing and transportation of hazardous cargo (see 33 C.F.R. Part 126, 46 C.F.R., 49 C.F.R.).

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60051 Handling explosives or hazardous materials. (1) You must thoroughly inform all workers handling explosive or other hazardous material which is properly labeled pursuant to the Washington State Labeling Code, chapters 296-62 and 296-64 WAC, promulgated by the department of labor and industries; or the Explosive Act, chapter 70.74 RCW and chapter 296-52 WAC; or the Federal and Washington State Food, Drug and Cosmetic Acts; the Federal Insecticide, Fungicide and Rodenticide Act, the Washington Pesticide Act, chapter 17.21 RCW; the Federal Hazardous Substances Labeling Act; or the Interstate Commerce Commission and Foreign Commerce regulations; or explosives or other dangerous cargo which is reasonably known by the employers to be mislabeled or to be lacking a required label, (~~(shall be thoroughly informed by the employer)~~) of the explosive or hazardous nature of the cargo.

(2) (~~(H)~~) You must ensure that all shipping operations including, but not limited to, handling, storage, and preparation, compliance with the standards of the Interstate Commerce Commission, the United States Coast Guard, or the safety rules developed by the Institute of Makers of Explosives (~~(shall be)~~) are deemed proper and safe methods of operation.

(3) (~~(Handling of breakage)~~) You must require the foreman to order the work in the immediate area to cease, if breakage should occur while handling explosives or other hazardous materials, ((the foreman shall order the work in the immediate area to cease)) until the hazard has been removed. ((It shall be the responsibility of the employer to)) You must use a safe method of handling such breakage and placing it in a remote, safe location.

(4) (~~(No smoking)~~) You must prohibit all workers supervising or engaged in the handling, hoisting, stowing of explosives, combustible oxidizing materials or flammable materials (~~(shall smoke only)~~) from smoking, except in designated areas. No person shall smoke within one hundred feet of any location where such materials are handled or stored.

(5) (~~(Loading chute)~~) You must take care in chuting packaged explosives(~~(, care must be exercised)~~) to ensure that one package is taken from the mat before starting another. Each package (~~(shall)~~) must be completely removed from the mat before another is placed on the chute.

(6) (~~(Specifications for chutes)~~) You must construct chutes only of wood in the loading of explosive merchandise in package form where chutes are used(~~(, the chutes shall be constructed only of wood)~~). All fastenings shall be of wooden pins, dowelings, or pegs. Metal fastenings may be used, provided they are countersunk.

(7) (~~(Mattress landing buffer. The bottoms of the chutes shall be provided with)~~) You must provide a stuffed mattress

not less than four inches thick and of sufficient width and length to allow for safe landing of packages at the bottoms of the chutes.

(8) You must sling and secure drafts of hazardous or explosive cargo shall be so slung and secured that neither the draft nor individual packages can fall as a result of tipping the draft or slackening the supporting gear.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

WAC 296-56-60053 Hazardous atmospheres and substances. (1) Purpose and scope. (~~(This section covers areas where a hazardous atmosphere or substance may exist, except where one or more of the following sections apply: WAC 296-56-60049 Hazardous cargo; WAC 296-56-60051 Handling explosives or hazardous materials; WAC 296-56-60055 Carbon monoxide; WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives; WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish; WAC 296-56-60235 Welding, cutting and heating (hot work); and WAC 296-56-60237 Spray painting.)~~)

Important:

This section covers areas where a hazardous atmosphere or substance may exist, except where one or more of the following sections apply:

1. WAC 296-56-60049 Hazardous cargo
2. WAC 296-56-60051 Handling explosives or hazardous materials
3. WAC 296-56-60055 Carbon monoxide
4. WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives
5. WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish
6. WAC 296-56-60235 Welding, cutting and heating (hot work)
7. WAC 296-56-60237 Spray painting

(2) You must make a determination of hazard(-):

(a) Whenever a room, building, vehicle, railcar or other space contains or has contained a hazardous atmosphere, a designated and appropriately equipped person (~~(shall)~~) must test the atmosphere before entry to determine whether a hazardous atmosphere exists.

(b) Records of results of any tests required by this section (~~(shall)~~) must be maintained for at least thirty days.

(3) (~~(Testing during ventilation. When mechanical ventilation is used to maintain a safe atmosphere, tests shall be)~~) You must make sure tests are made by a designated person to ensure that the atmosphere is not hazardous when mechanical ventilation is used to maintain a safe atmosphere.

(4) (~~(Entry into hazardous atmospheres)~~) You must make sure only designated persons (~~(shall)~~) enter hazardous atmospheres. The following provisions (~~(shall)~~) apply:

(a) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be protected by respiratory and emergency protective equipment meeting the requirements of chapter 296-842 WAC;

(b) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, ~~((shall))~~ must continuously monitor the activity of employees within such space; and

(c) Except for emergency or rescue operations, employees ~~((shall))~~ must not enter into any atmosphere which has been identified as flammable or oxygen deficient (less than nineteen and one-half percent oxygen). Persons who may be required to enter flammable or oxygen deficient atmospheres in emergency operations ~~((shall))~~ must be instructed in the dangers attendant to those atmospheres and instructed in the use of self-contained breathing apparatus, which ~~((shall))~~ must be utilized.

(d) To prevent inadvertent employee entry into spaces that have been identified as having hazardous, flammable or oxygen deficient atmospheres, appropriate warning signs or equivalent means ~~((shall))~~ must be posted at all means of access to those spaces.

(5) ~~((When the packaging of asbestos cargo leaks, spillage shall be cleaned up by))~~ You must make sure only designated employees protected from the harmful effects of asbestos as required by WAC 296-62-07517 and chapter 296-65 WAC, clean up spills when the packaging of asbestos cargo leaks.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60055 Carbon monoxide. (1) ~~((Exposure limits.))~~ You must maintain the carbon monoxide content of the atmosphere in a room, building, vehicle, railcar or any enclosed space shall be maintained below fifty parts per million (0.005%) as an eight-hour time-weighted average. Employees ~~((shall))~~ must be removed from the enclosed space if the carbon monoxide concentration exceeds one hundred parts per million (0.01%).

(2) ~~((Testing.))~~ You must conduct tests to determine carbon monoxide concentration ~~((shall be made))~~ whenever necessary to ensure that employee exposure does not exceed the limits specified in subsection (1) of this section.

(3) ~~((Instrumentation.))~~ You must make sure tests for carbon monoxide concentration ~~((shall be))~~ are made by designated persons using gas detector tube units certified by NIOSH under 30 C.F.R. Part 11 or other measuring instruments whose accuracy is as great or greater.

(4) ~~((Records.))~~ You must make available a record of the date, time, location and result of carbon monoxide tests ~~((shall be available))~~ for at least thirty days.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

WAC 296-56-60057 Fumigants, pesticides, insecticides and hazardous preservatives (see also WAC 296-56-60049, 296-56-60051 and 296-56-60053). (1) You must

make a determination as to whether a hazardous atmosphere is present whenever cargo in a space is or has been stowed, handled, or treated with a fumigant, pesticide, insecticide, or hazardous preservative ~~((, a determination shall be made as to whether a hazardous atmosphere is present in the space))~~. Only employees protected as required in subsection (5) of this section shall enter the space if it is hazardous.

(2) You must make sure tests to determine the atmospheric concentration of chemicals used to treat cargo ~~((shall be))~~ are:

(a) Appropriate for the hazard involved;

(b) Conducted by designated persons; and

(c) Performed at the intervals necessary to ensure that employee exposure does not exceed the permissible exposure limit for the chemical involved, see chapters 296-62 and 296-841 WAC.

(3) ~~((Results of any tests shall be available))~~ You must make available any test results for at least thirty days.

(4) ~~((Chemicals shall only be))~~ You must make sure chemicals are only applied to cargoes by designated persons.

(5) You must make sure only designated persons ~~((shall))~~ enter hazardous atmospheres. Whenever a hazardous atmosphere is entered the following provisions apply ~~((:))~~:

(a) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be protected by respiratory and emergency protective equipment meeting the requirements of part G of this standard; and

(b) Persons entering a space containing a hazardous atmosphere ~~((shall))~~ must be instructed in the nature of the hazard, precautions to be taken, and the use of protective and emergency equipment. Standby observers, similarly equipped and instructed, ~~((shall))~~ must continuously monitor the activity of employees within such a space.

(6) ~~((Signs shall be clearly posted))~~ You must clearly post signs where fumigants, pesticides or hazardous preservatives have created a hazardous atmosphere. These signs ~~((shall))~~ must note the danger, identify specific chemical hazards, and give appropriate information and precautions, including instructions for the emergency treatment of employees affected by any chemical in use.

(7) ~~((In the case of containerized shipments of fumigated tobacco.))~~ You must aerate the contents of ~~((the))~~ a container ~~((shall be aerated))~~ by opening the container doors for a period of forty-eight hours after the completion of fumigation and prior to loading in the case of containerized shipments of fumigated tobacco. When tobacco is within shipping cases having polyethylene or similar bag liners, the aeration period ~~((shall))~~ must be seventy-two hours. ~~((The employer shall))~~ You must obtain a written warranty from the fumigation facility stating that the appropriate aeration period has been met.

~~((PART E — CARGO HANDLING GEAR AND EQUIPMENT))~~

NEW SECTION

WAC 296-56-60070 Cargo handling gear and equipment.

Summary

This section applies to all cargo handling gear and equipment in your workplace.

Your responsibility: To protect employees from cargo handling gear and equipment hazards in your workplace.

You must meet the requirement ...	in this section:
House falls	WAC 296-56-60071
Miscellaneous auxiliary gear	WAC 296-56-60073
Cargo boards and other type pallet boards	WAC 296-56-60075
Powered industrial trucks	WAC 296-56-60077
General rules applicable to vehicles	WAC 296-56-60079
Multipiece and single-piece rim wheels	WAC 296-56-60081
Cranes and derricks	WAC 296-56-60083
Crane load and limit devices	WAC 296-56-60085
Winches	WAC 296-56-60087
Conveyors	WAC 296-56-60089
Spouts, chutes, hoppers, bins, and associated equipment	WAC 296-56-60091
Certification of marine terminal material handling devices	WAC 296-56-60093
Advisory crane certification panel	WAC 296-56-60095
Unit proof load test and inspection	WAC 296-56-60097
Examination and inspection of cranes and derricks	WAC 296-56-60098
Hand tools	WAC 296-56-60099

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60071 House falls. (1) You must secure span beams (~~(shall be secured)~~) to prevent accidental dislodgement.

(2) You must provide a safe means of access (~~(shall be provided)~~) for employees working with house fall blocks.

(3) You must have designated employees (~~(shall)~~) inspect chains, links, shackles, swivels, blocks and other loose gear used in house fall operations before each day's use. Defective gear (~~(shall)~~) must not be used.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60073 Miscellaneous auxiliary gear. (1) You must meet the following requirements for routine inspections(-):

(a) At the completion of each use, loose gear such as slings, chains, bridles, blocks, and hooks (~~(shall)~~) must be so placed as to avoid damage to the gear. Loose gear (~~(shall)~~) must be inspected and any defects corrected before reuse.

(b) All loose gear (~~(shall)~~) must be inspected by the employer or (~~(his/her)~~) their authorized representative before each use and, when necessary, at intervals during its use, to ensure that it is safe. Any gear which is found upon inspection to be unsafe (~~(shall)~~) must not be used until it is made safe.

(c) Defective gear (~~(shall)~~) must not be used. Distorted hooks, shackles, or similar gear (~~(shall)~~) must be discarded.

(d) Chains or other gear which have been lengthened, altered, or repaired by welding (~~(shall)~~) must be properly heat treated, and before again being put into use, (~~(shall)~~) must be tested and reexamined in the manner set forth in WAC 296-56-60097 and 296-56-60098.

(2) (~~The employer shall~~) You must maintain a record of the dates and results of the tests with each unit of gear concerned clearly identified. The records (~~(shall)~~) must be available for examination by division of consultation and compliance personnel and the employee safety committee.

(3) You must meet the following requirements for wire rope and wire rope slings(-):

(a) (~~The employer shall~~) You must ascertain and adhere to the manufacturer's recommended ratings for wire rope and wire rope slings and (~~(shall)~~) must have such ratings available at the terminal. When the manufacturer is unable to supply such ratings, (~~the employer shall~~) you must use the tables for wire rope and wire rope slings found in American National Safety Standard for Slings, ANSI/ASME B30.9-1984. A design safety factor of at least five (~~(shall)~~) must be maintained for the common sizes of running wire used as falls, in purchases or in such uses as light load slings. Wire rope with a safety factor of less than five may be used only:

(i) In specialized equipment, such as cranes designed to be used with lesser wire rope safety factors;

(ii) In accordance with design factors in standing rigging applications; or

(iii) For heavy lifts or other purposes for which a safety factor of five is impractical and for which the employer can demonstrate that equivalent safety is ensured.

(b) Wire rope or wire rope slings exhibiting any of the following conditions (~~(shall)~~) must not be used:

(i) Ten randomly distributed broken wires in one rope lay or three or more broken wires in one strand in one rope lay;

(ii) Kinking, crushing, bird caging, or other damage resulting in distortion of the wire rope structure;

(iii) Evidence of heat damage;

(iv) Excessive wear, corrosion, deformation or other defect in the wire or attachments, including cracks in attachments;

(v) Any indication of strand or wire slippage in end attachments; or

(vi) More than one broken wire in the close vicinity of a socket or swaged fitting.

(c) Four by twenty-nine (4 x 29) wire rope (~~(shall)~~) must not be used in any running rigging.

(d) Protruding ends of strands in splices on slings and bridles ~~((shall))~~ must be covered or blunted. Coverings ~~((shall))~~ must be removable so that splices can be examined. Means used to cover or blunt ends ~~((shall))~~ must not damage the wire.

(e) Where wire rope clips are used to form eyes, ~~((the employer shall))~~ you must adhere to the manufacturer's recommendations, which ~~((shall))~~ must be available at the terminal. If "U" bolt clips are used and the manufacturer's recommendations are not available, Table C-1 ~~((shall))~~ must be used to determine the number and spacing of clips. "U" bolts ~~((shall))~~ must be applied with the "U" section in contact with the dead end of the rope.

Table C-1 (—)

Number and Spacing of U-Bolt Wire Rope Clips

Improved plow steel, rope diameter	Minimum number of clips		Minimum spacing
	Drop forged	Other material	
inches/(cm)			inches/(cm)
1/2 or less (1.3)	3	4	3 (7.6)
5/8 (1.6)	3	4	3 3/4 (9.5)
3/4 (1.9)	4	5	4 1/2 (11.4)
7/8 (2.2)	4	5	5 1/4 (13.3)
1 (2.5)	5	7	6 (15.2)
1 1/8 (2.9)	6	7	6 3/4 (17.1)
1 1/4 (3.2)	6	8	7 1/2 (19.1)
1 3/8 (3.5)	7	8	8 1/4 (21.0)
1 1/2 (3.8)	7	9	9 (22.9)

(f) Wire rope ~~((shall))~~ must not be secured by knots.

(g) Eyes in wire rope bridles, slings, bull wires, or in single parts used for hoisting ~~((shall))~~ must not be formed by wire rope clips or knots.

(h) Eye splices in wire ropes ~~((shall))~~ must have at least three tucks with a whole strand of the rope and two tucks with one-half of the wire cut from each strand. Other forms of splices or connections which are demonstrated to be equally safe may be used.

(i) Except for eye splices in the ends of wires and for endless rope slings, each wire rope used in hoisting or lowering, or in bulling cargo, ~~((shall))~~ must consist of one continuous piece without knot or splice.

(4) You must meet the following requirements for natural fiber rope.

(a) ~~((The employer shall))~~ You must ascertain the manufacturer's ratings for the specific natural fiber rope used and have such ratings available at the terminal. The manufacturer's ratings ~~((shall))~~ must be adhered to and a minimum design safety factor of five maintained.

(b) Eye splices ~~((shall))~~ must consist of at least three full tucks. Short splices ~~((shall))~~ must consist of at least six full tucks, three on each side of the center line.

(5) You must meet the following requirements for synthetic rope(-):

(a) ~~((The employer shall))~~ You must adhere to the manufacturer's ratings and use recommendations for the specific synthetic fiber rope used and ~~((shall))~~ must have such ratings available at the terminal.

(b) Unless otherwise recommended by the manufacturer, when synthetic fiber ropes are substituted for manila ropes of less than three inches (7.62 cm) circumference, the substitute ~~((shall))~~ must be of equal size. Where substituted for manila rope of three inches or more in circumference, the size of the synthetic rope ~~((shall))~~ must be determined from the formula:

$$C = \sqrt{.6(C_s^2) + .4(C_m^2)}$$

Where C = the required circumference of the synthetic rope in inches, C_s = the circumference to the nearest one-quarter inch of a synthetic rope having a breaking strength not less than that of the size manila rope that would be required by subsection (4) of this section, and C_m = the circumference of manila rope in inches which would be required by subsection (4) of this section.

(c) In making such substitution, it ~~((shall))~~ must be ascertained that the inherent characteristics of the synthetic fiber are suitable for hoisting.

~~((Removal of natural and synthetic rope from service.))~~ You must remove natural or synthetic rope having any of the following defects ~~((shall be removed))~~ from service:

- (a) Abnormal wear;
- (b) Powdered fiber between strands;
- (c) Sufficient cut or broken fibers to affect the capacity of the rope;
- (d) Variations in the size or roundness of strands;
- (e) Discolorations other than stains not associated with rope damage;
- (f) Rotting; or
- (g) Distortion or other damage to attached hardware.

(7) ~~((Thimbles.))~~ You must use properly fitting thimbles ~~((shall be used))~~ where any rope is secured permanently to a ring, shackle or attachment, where practical.

(8) You must meet the following requirements for synthetic web slings(-):

(a) Slings and nets or other combinations of more than one piece of synthetic webbing assembled and used as a single unit (synthetic web slings) ~~((shall))~~ must not be used to hoist loads in excess of the sling's rated capacity.

(b) Synthetic web slings ~~((shall))~~ must be removed from service if they exhibit any of the following defects:

- (i) Acid or caustic burns;
- (ii) Melting or charring of any part of the sling surface;
- (iii) Snags, punctures, tears or cuts;
- (iv) Broken or worn stitches;
- (v) Distortion or damage to fittings; or
- (vi) Display of visible warning threads or markers designed to indicate excessive wear or damage.

(c) Defective synthetic web slings removed from service ~~((shall))~~ must not be returned to service unless repaired by a sling manufacturer or similar entity. Each repaired sling ~~((shall))~~ must be proof tested by the repairer to twice the slings' rated capacity prior to its return to service. ~~((The~~

~~employer shall~~) You must retain a certificate of the proof test and make it available for examination.

(d) Synthetic web slings provided by ~~(the employer shall)~~ you must only be used in accordance with the manufacturer's recommendations, which ~~(shall)~~ must be made available upon request.

(e) Fittings ~~(shall)~~ must have a breaking strength at least equal to that of the sling to which they are attached and ~~(shall)~~ must be free of sharp edges.

(9) You must meet the following requirements for chains and chain slings used for hoisting.

(a) ~~(The employer shall)~~ You must adhere to the manufacturer's recommended ratings for safe working loads for the sizes of the wrought iron and alloy steel chains and chain slings used and ~~(shall)~~ must have such ratings available. When the manufacturer is unable to provide such ratings, ~~(the employer shall)~~ you must use the tables for chains and chain slings found in American National Safety Standard for Slings, ANSI B30.9-1971.

(b) Proof coil steel chain, also known as common or hardware chain, and other chain not recommended by the manufacturer for slinging or hoisting ~~(shall)~~ must not be used for slinging or hoisting.

(c) ~~(i)~~ Sling chains, including end fastenings, ~~(shall)~~ must be inspected for visible defects before each day's use and as often as necessary during use to ensure integrity of the sling.

~~(i)~~ Thorough inspections of chains in use ~~(shall)~~ must be made quarterly to detect wear, defective welds, deformation, increase in length or stretch. The month of inspection ~~(shall)~~ must be indicated on each chain by color of paint on a link or by other effective means.

~~(ii)~~ Chains ~~(shall)~~ must be removed from service when maximum allowable wear, as indicated in Table C-2, is reached at any point of link.

~~(iii)~~ Chain slings ~~(shall)~~ must be removed from service when stretch has increased the length of a measured section by more than five percent; when a link is bent, twisted or otherwise damaged; or when a link has a raised scarf or defective weld.

~~(iv)~~ Only designated persons shall inspect chains used for slinging and hoisting.

**Table C-2 (—)
Maximum Allowable Wear at Any Point of Link**

Chain Size		Maximum Allowable Wear	
Inches	(cm)	Inches	(cm)
1/4 (9/32)	(0.6)	3/64	(0.1)
3/8	(1.0)	5/64	(0.2)
1/2	(1.3)	7/64	(0.3)
5/8	(1.6)	9/64	(0.4)
3/4	(1.9)	5/32	(0.4)
7/8	(2.2)	11/64	(0.4)
1	(2.5)	3/16	(0.5)
1 1/8	(2.9)	7/32	(0.6)
1 1/4	(3.2)	1/4	(0.6)

Chain Size		Maximum Allowable Wear	
Inches	(cm)	Inches	(cm)
1 3/8	(3.5)	9/32	(0.7)
1 1/2	(3.8)	5/16	(0.8)
1 3/4	(4.4)	(1 1/32) 11/32	(0.9)

(d) Chains ~~(shall)~~ must only be repaired under qualified supervision. Links or portions of chain defective under any of the criteria ~~(of WAC 296-56-60073 (9)(c) shall)~~ under (c) of this subsection must be replaced with properly dimensioned links or connections of material similar to that of the original chain. Before repaired chains are returned to service, they ~~(shall)~~ must be tested to the proof test load recommended by the manufacturer for the original chain. Tests ~~(shall)~~ must be performed by the manufacturer or ~~(shall)~~ must be certified by an agency accredited for the purpose under WAC 296-56-60093. Test certificates ~~(shall)~~ must be available at the terminal.

(e) Wrought iron chains in constant use ~~(shall)~~ must be annealed or normalized at intervals not exceeding six months. Heat treatment certificates ~~(shall)~~ must be available at the terminal. Alloy chains ~~(shall)~~ must not be annealed.

(f) Kinked or knotted chains ~~(shall)~~ must not be used for lifting. Chains ~~(shall)~~ must not be shortened by bolting, wiring or knotting. Makeshift links or fasteners such as wire, bolts or rods ~~(shall)~~ must not be used.

(g) Hooks, rings, links and attachments affixed to sling chains ~~(shall)~~ must have rated capacities at least equal to that of the chains to which they are attached.

(h) Chain slings ~~(shall)~~ must bear identification of size, grade and rated capacity.

(10) You must meet the following requirements for shackles~~(-)~~:

(a) If available, the manufacturer's recommended safe working loads for shackles ~~(shall)~~ must not be exceeded. In the absence of manufacturer's recommendations, Table C-3 ~~(shall)~~ must apply.

(b) Screw pin shackles used aloft in house fall or other gear, except in cargo hook assemblies, ~~(shall)~~ must have their pins moused or otherwise effectively secured.

**Table C-3 (—)
Safe Working Loads for Shackles**

Material Size		Pin Diameter		Safe Working Load in 2,000 lb Tons
Inches	(cm)	Inches	(cm)	
1/2	(1.3)	5/8	(1.6)	1.4
5/8	(1.6)	3/4	(1.9)	2.2
3/4	(1.9)	7/8	(2.2)	3.2
7/8	(2.2)	1	(2.5)	4.3
1	(2.5)	1 1/8	(2.9)	5.6
1 1/8	(2.9)	1 1/4	(3.2)	6.7
1 1/4	(3.2)	1 3/8	(3.5)	8.2

Material Size		Pin Diameter		Safe Working Load in 2,000 lb Tons
Inches	(cm)	Inches	(cm)	
1 3/8	(3.5)	1 1/2	(3.8)	10.0
1 1/2	(3.8)	1 5/8	(4.1)	11.9
1 3/4	(4.4)	2	(5.1)	16.2
2	(5.1)	2 1/4	(5.7)	21.2

(c) Tables G-2 through G-5 ((shall)) must be used to determine the safe working loads of various sizes and classifications of improved plow steel wire rope slings with various types of terminals. For sizes, classifications and grades not included in these tables the safe working load recommended by the manufacturer for specific, identifiable products ((shall)) must be followed, however, a safety factor of not less than five ((shall)) must be maintained.

**TABLE G-1
MANILA ROPE
In Pounds or Tons of 2,000 Pounds**

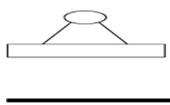
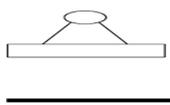
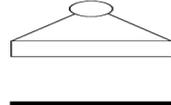
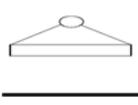
Circumference	Diameter in Inches	Single Leg	60 Degree	45 Degree	30 Degree
					
		Lbs.	Lbs.	Lbs.	Lbs.
3/4	1/4	120	204	170	120
1	5/16	200	346	282	200
1 1/8	3/8	270	467	380	270
1 1/4	7/16	350	605	493	350
1 3/8	15/32	450	775	635	450
1 1/2	1/2	530	915	798	530
1 3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2 1/4	3/4	1080	1870	1520	1080
2 1/2	13/16	1300	2250	1830	1300
2 3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
		Tons	Tons	Tons	Tons
3 1/4	1 1/16	1.0	1.7	1.4	1.0
3 1/2	1 1/8	1.2	2.1	1.7	1.2
3 3/4	1 1/4	1.35	2.3	1.9	1.35
4	1 5/16	1.5	2.6	2.1	1.5
4 1/2	1 1/2	1.8	3.1	2.5	1.8
5	1 5/8	2.25	3.9	3.2	2.25
5 1/2	1 3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6 1/2	2 1/8	3.6	6.2	5.1	3.6

**TABLE G-2
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE SLINGS
(In Tons of 2,000 Pounds)**

Rope Diameter Inches	Single Leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 19 Classification						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
(1 1/8") 1 1/8"	11	10	9.0	8.5	7.8	6.8
6 x 37 Classification						
(1 1/4") 1 1/4"	13	12	10	9.9	9.2	7.9
(1 3/8") 1 3/8"	16	15	13	12	11	9.6
(1 1/2") 1 1/2"	19	17	15	14	13	11
(1 3/4") 1 3/4"	26	24	20	19	18	15
2"	33	30	26	25	23	20
(2 1/4") 2 1/4"	41	38	33	31	29	25

(A) — Socket or Swaged Terminal Attachment.
 (B) — Mechanical Sleeve Attachment.
 (C) — Hand Tucked Splice Attachment.

TABLE G-3
RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE SLING (IN TONS OF 2,000 POUNDS)

((Two leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
												
Two-leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
												
	A	B	C	A	B	C	A	B	C	A	B	C
6 x 19 Classification												
1/4"	1.2	1.1	1.0	1.0	.97	.92	.83	.79	.75	.59	.56	.53
3/8"	2.6	2.5	2.3	2.3	2.1	2.0	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	4.6	4.4	3.9	4.0	3.8	3.4	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	7.2	6.8	6.0	6.2	5.9	5.2	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	10	9.7	8.4	8.9	8.4	7.3	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	14	13	11	12	11	9.6	9.8	9.3	7.8	6.9	6.6	5.5
1"	18	17	14	15	15	12	13	12	10	9.0	8.5	7.2
1 1/8"	23	21	18	19	18	16	16	15	13	11	10	9.0
6 x 37 Classification												
1 1/4"	26	24	21	23	21	18	19	17	15	13	12	10
1 3/8"	32	29	25	28	25	22	22	21	18	16	15	13
1 1/2"	38	35	30	33	30	26	27	25	21	19	17	15
1 3/4"	51	47	41	44	41	35	36	33	29	26	24	20
2"	66	61	53	57	53	46	47	43	37	33	30	26
2 1/4"	83	76	66	72	66	57	58	54	47	41	38	33

(A) Socket or Swaged Terminal Attachment.
 (B) Mechanical Sleeve Attachment.
 (C) Hand Tucked Splice Attachment.

TABLE G-4
RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE AND WIRE ROPE SLINGS
 (In Tons of 2,000 pounds)

Rope dia. Inches	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 19 Classification						
1/4"	.55	.51	.49	.41	.38	.37
3/8"	1.2	1.1	1.1	.91	.85	.80
1/2"	2.1	2.0	1.8	1.6	1.5	1.4

Rope dia. Inches	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
5/8"	3.3	3.1	2.8	2.5	2.3	2.1
3/4"	4.8	4.4	3.9	3.6	3.3	2.9
7/8"	6.4	5.9	5.1	4.8	4.5	3.9
1"	8.4	7.7	6.7	6.3	5.8	5.0
((1-1/8))	10	9.5	8.4	7.9	7.1	6.3
1 1/8"						

Rope dia. Inches	Single leg					
	Vertical			Choker		
	A	B	C	A	B	C
6 x 37 Classification						
((1-1/4)) 1 1/4"	12	11	9.8	9.2	8.3	7.4
((1-3/8)) 1 3/8"	15	13	12	11	10	8.9
((1-1/2)) 1 1/2"	17	16	14	13	12	10
((1-3/4)) 1 3/4"	24	21	19	18	16	14
2"	31	28	25	23	21	18

(A) — Socket or Swaged Terminal Attachment.
 (B) — Mechanical Sleeve Attachment.
 (C) — Hand Tucked Splice Attachment.

**TABLE G-5
 RATED CAPACITIES FOR IMPROVED PLOW STEEL, FIBER CORE, WIRE ROPE SLINGS
 (IN TONS OF 2,000 POUNDS)**

((Two leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
Two-leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
	A	B	C	A	B	C	A	B	C	A	B	C
6 x 19 Classification												
1/4"	1.1	1.0	.99	.95	.88	.85	.77	.72	.70	.55	.51	.49
3/8"	2.4	2.2	2.1	2.1	1.9	1.8	1.7	1.6	1.5	1.2	1.1	1.1
1/2"	4.3	3.9	3.7	3.7	3.4	3.2	3.0	2.8	2.6	2.1	2.0	1.8
5/8"	6.7	6.2	5.6	5.8	5.3	4.8	4.7	4.4	4.0	3.3	3.1	2.8
3/4"	9.5	8.8	7.8	8.2	7.6	6.8	6.7	6.2	5.5	4.8	4.4	3.9
7/8"	13	12	10	11	10	8.9	9.1	8.4	7.3	6.4	5.9	5.1
1"	17	15	13	14	13	11	12	11	9.4	8.4	7.7	6.7
1 1/2"	21	19	17	18	16	14	15	13	12	10	9.5	8.4
6 x 37 Classification												
1 1/4"	25	22	20	21	19	17	17	16	14	12	11	9.8
1 3/8"	30	27	24	26	23	20	21	19	17	15	13	12
1 1/2"	35	32	28	30	27	24	25	22	20	17	16	14

((Two-leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
Two-leg bridle or basket hitch												
Rope dia. inches	Vertical			60 Degree			45 Degree			30 Degree		
	A	B	C	A	B	C	A	B	C	A	B	C
1 3/4"	48	43	38	41	37	33	34	30	27	24	21	19
2"	62	55	49	53	48	43	43	39	35	31	28	25

(A) Socket or Swaged Terminal Attachment.
 (B) Mechanical Sleeve Attachment.
 (C) Hand Tucked Splice Attachment.

**TABLE G-6
 ALLOY STEEL CHAIN
 (In Tons of 2,000 Pounds)**

((Nominal Size Chain Stock Inch	Single Leg	60 Degree	45 Degree	30 Degree
Nominal Size Chain Stock Inch	Single Leg	60 Degree	45 Degree	30 Degree
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.5	27.3	19.8
1 1/8	22.2	38.5	31.5	22.2
1 1/4	28.7	49.7	40.5	28.7
1 3/8	33.5	58.0	47.0	33.5
1 1/2	39.7	68.5	56.0	39.7
1 5/8	42.5	73.5	59.5	42.5
1 3/4	47.0	81.5	62.0	47.0

(11) You must meet the following requirements for hooks other than hand hooks(-):

(a) The manufacturer's recommendations ((shall)) must be followed in determining the safe working loads of the various sizes and types of specific and identifiable hooks. All hooks for which no applicable manufacturer's recommenda-

tions are available ((shall)) must be tested to twice the intended safe working load before they are initially put into use. ((The employer shall)) You must maintain a record of the dates and results of such tests.

(b) Loads ((shall)) must be applied to the throat of the hook since loading the point may overstress, bend, or spring the hook.

(c) Hooks ((shall)) must be inspected once a month to see that they have not been bent by overloading. Bent or sprung hooks ((shall)) must not be used.

(d) ((Crane hooks:)) For crane hooks, magnetic particle or other suitable crack detecting inspection ((shall)) must be performed at least once each year. When testing by X ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, ((shall)) must apply.

(e) Any activity which involves the use of radioactive materials or X rays, whether or not under license from the Nuclear Regulatory Commission, ((shall)) must be performed by competent persons specially trained in the proper and safe operation of such equipment. In the case of materials used under commission license, only persons actually licensed, or competent persons under direction and supervision of the licensee, ((shall)) must perform such work.

(f) Teeth of case hooks ((shall)) must not be split, cracked, or deformed.

(g) Jaws of patent clamp type plate hooks ((shall)) must be kept in safe condition so that they will grip plates securely.

(12) You must meet the following requirements for pallets(-):

(a) Pallets ((shall)) must be made and maintained to safely support and carry loads being handled. Fastenings of reusable pallets used for hoisting ((shall)) must be bolts and nuts, drive screws (helically threaded nails), annular threaded nails or fastenings of equivalent holding strength.

(b) Damaged pallets ~~((shall))~~ must be stored in designated areas and identified.

(c) Reusable wing or lip-type pallets ~~((shall))~~ must be hoisted by bar bridles or other suitable gear and ~~((shall))~~ must have an overhanging wing or lip of at least three inches (7.62 cm). They ~~((shall))~~ must not be hoisted by wire slings alone.

(d) Loaded pallets that do not meet the requirements of this ~~((paragraph shall))~~ subsection (12)(d) must be hoisted only after being placed on pallets meeting such requirements or ~~((shall))~~ must be handled by other means providing equivalent protection.

(e) Bridles for handling flush end or box-type pallets ~~((shall))~~ must be designed to prevent disengagement from the pallet under load.

(f) Pallets ~~((shall))~~ must be stacked or placed to prevent falling, collapsing or otherwise causing a hazard under standard operating conditions.

(g) Disposable pallets intended only for one use ~~((shall))~~ must not be reused for hoisting.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60075 Cargo boards and other type pallet boards. (1) ~~("Cargo board" means the typical wing or lip-type stevedore board hoisted to or from vessels by means of a bar bridle. "Other pallet boards" includes all other platforms used to hold cargo for the purpose of transporting it from place to place.~~

~~((2))~~ You must make sure all pallets and cargo boards ~~((shall be))~~ are of such material and construction as to safely support and carry loads being handled.

~~((3))~~ (2) You must make sure all cargo boards ~~((shall be))~~ are sheathed (decked) top and bottom with the top sheathing being of two-inch lumber and extending at least six inches beyond the end stringers.

~~((4))~~ (3) You must fasten the outer sheathing boards or boards adjacent thereto on cargo boards ~~((shall be fastened))~~ to the stringers by bolts and nuts. Other sheathing ~~((shall))~~ must be fastened by bolts and nuts, drive screws (helically threaded nails), annular threaded nails, or fastenings of equivalent strength.

~~((5))~~ (4) You may hoist pallet boards, other than cargo boards, ~~((may be hoisted))~~ if safe means are provided for the type of board used.

~~((6))~~ (5) You must make sure loaded cargo or pallet boards which do not meet the requirements of this section ~~((shall be))~~ are reboarded or placed on cargo boards meeting the requirements of this section before being hoisted, only if the weight of the load can be safely distributed on the cargo board.

~~((7))~~ (6) You must prohibit cargo boards from being hoisted which are not loaded and secured so that the load will not tip or fall ~~((shall not be hoisted))~~.

~~((8))~~ (7) You must make sure bridles used to handle flush-end or box-type pallets ~~((shall be of such a design as))~~ are designed to prevent them from becoming disengaged from the pallet under load.

Note: In areas where a two lip cargo board is being used, that practice shall continue. The department of labor and industries recommends the use of the two lip cargo board.

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

WAC 296-56-60077 Powered industrial trucks. (1) ~~((Applicability.))~~ This section applies to every type of powered industrial truck used for material or equipment handling within a marine terminal. ~~((Employers))~~ You must comply with the provisions of chapter 296-863 WAC and this section. It does not apply to over-the-road vehicles.

(2) ~~((General.))~~ You must meet the following general requirements for powered industrial trucks:

(a) Modifications, such as adding counterweights, that might affect the vehicle's capacity or safety ~~((shall))~~ must not be performed without either the manufacturer's prior written approval or the written approval of a professional engineer experienced with the equipment who has consulted with the manufacturer, if available. Capacity, operation and maintenance instruction plates, tags or decals ~~((shall))~~ must be changed to conform to the equipment as modified.

(b) Unauthorized personnel ~~((shall))~~ must not ride on powered industrial trucks. A safe place to ride ~~((shall))~~ must be provided when riding is authorized.

(c) When a powered industrial truck is left unattended, load-engaging means ~~((shall))~~ must be fully lowered, controls neutralized and brakes set. Unless the truck is in view and within twenty-five feet (7.62 m) of the operator, power ~~((shall))~~ must be shut off. Wheels ~~((shall))~~ must be blocked or curbed if the truck is on an incline.

(d) Powered industrial trucks ~~((shall))~~ must not be operated inside highway vehicles or railcars having damage which could affect operational safety.

(e) Powered industrial trucks ~~((shall))~~ must be marked with their rated capacities, which ~~((shall))~~ must be visible to the operator.

(f) Only stable and safely arranged loads within the rated capacity of the truck ~~((shall))~~ must be handled.

(g) Drivers ~~((shall))~~ must ascend and descend grades slowly.

(h) Drivers ~~((shall))~~ must slow down and sound the horn at crossaisles and other locations where visibility is obstructed.

(i) If the load obstructs the forward view drivers ~~((shall))~~ must travel with the load trailing.

(j) Steering knobs ~~((shall))~~ must not be used unless the truck is equipped with power steering.

(k) When powered industrial trucks use cargo lifting devices that have a means of engagement hidden from the operator, a means ~~((shall))~~ must be provided to enable the operator to determine that the cargo has been engaged.

(l) When cargo is being towed on pipe trucks or similar equipment, a safe means ~~((shall))~~ must be provided to protect the driver from sliding loads.

(3) You must meet the following requirements for maintenance(-):

(a) Only designated persons ~~((shall))~~ must perform maintenance and repair.

(b) Batteries on all powered trucks ~~((shall))~~ must be disconnected during repairs to the primary electrical system unless power is necessary for testing and repair. On trucks equipped with systems capable of storing residual energy, that energy ~~((shall))~~ must be safely discharged before work on the primary electrical system begins.

(c) Replacement parts whose function might affect operational safety ~~((shall))~~ must be equivalent in strength and performance capability to the original parts which they replace.

(d) Braking systems or other mechanisms used for braking ~~((shall))~~ must be operable and in safe condition.

(e) Powered industrial trucks ~~((shall))~~ must be maintained in safe working order. Safety devices ~~((shall))~~ must not be removed or made inoperative except as otherwise provided in this section. Trucks with a fuel system leak or any other safety defect ~~((shall))~~ must not be operated.

(f) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards ~~((shall))~~ must be conducted only in locations designated as safe for such repairs.

(4) You must meet these requirements for approved trucks(-):

(a) ~~("Approved power-operated industrial truck" means one listed or approved for the intended use by a nationally recognized testing laboratory.~~

~~(b))~~ Approved trucks acquired and used after February 15, 1972, ~~((shall))~~ must bear a label or other identification indicating testing laboratory approval.

~~((e))~~ (b) When the atmosphere in an area is hazardous and the provisions of United States Coast Guard regulations at 33 C.F.R. 126.15(e) do not apply, only power-operated industrial trucks approved for such locations ~~((shall))~~ must be used.

(5) ~~((Duties of operator.))~~ You must meet these requirements for operator duties:

(a) A power-driven vehicle operator's special duties are:

(i) To operate the vehicle in a safe manner.

(ii) To test brakes, steering gear, lights, horns, or other warning devices, clutches, etc., before starting work.

(iii) To have the vehicle at all times under control so that it can be brought to an emergency stop in the clear space in front of the vehicle.

(iv) To back down any incline of two percent or more when traveling with a load on the fork lift jitney.

(b) ~~((Unobstructed view.))~~ When traveling, power-propelled vehicles ~~((shall))~~ must at all times be operated in a manner giving the operator a reasonably unobstructed view in the direction of travel. Where this is impractical, the operator ~~((shall))~~ must be directed in travel, by a person designated to do so.

(c) ~~((Employee riding safety.))~~ Operators and authorized passengers ~~((shall not be))~~ are not permitted to ride with legs or arms extending outside any vehicle nor ~~((shall))~~ are they ~~((be))~~ permitted to ride while standing unless the vehicle is designed to be operated from a standing position.

(d) ~~((Moving vehicles.))~~ Vehicles ~~((shall))~~ must be controlled manually while being pushed or towed except when a tow bar is used. Special precautions ~~((shall))~~ must be taken when pushing vehicles where the view is obstructed. Vehicles ~~((shall))~~ must not be pushed with blades of a forklift.

~~((Moving highway trailers.))~~ In all cargo operations involving the use of highway trailers, trailers ~~((shall))~~ must be moved in such a manner that the moving trailer is completely under control at all times. Special caution ~~((shall))~~ must be exercised when such trailers are moving on inclines. Trailers ~~((shall))~~ must be loaded in a manner which will prevent the cargo from shifting, and the load in the trailer ~~((shall))~~ must be evenly distributed ~~((so as not to cause))~~ to prevent the trailer ((to tip)) from tipping to one side.

~~((Prohibited forms of riding.))~~ Riding on tongue or handles of trailers or forks of power-propelled vehicles is prohibited.

~~((Regular seats for riders.))~~ No one except the operator shall ride on power-driven vehicles unless regular seats are provided to accommodate passengers.

~~((Jumping on or off moving vehicles.))~~ Employees ~~((shall))~~ must not jump on or off moving vehicles.

~~((Reporting defects.))~~ If a power-driven vehicle is at any time found to be in any way unsafe, the operator ~~((shall))~~ must report ~~((same))~~ the defect immediately to the person in charge and such vehicle ~~((shall))~~ must not be used for production work until it has been made safe.

(6) You must meet the following requirements for vehicle equipment and maintenance(-):

~~((Horns and lights.))~~ All power-propelled vehicles ~~((shall))~~ must be provided with horns or other warning devices.

(b) Power-propelled vehicles used for night work, when required to travel away from an illuminated work area ~~((shall))~~ must be equipped with a light or lights directed in the direction of travel in order to safely travel about the area.

~~((Guards on operator's platform.))~~ Every power truck operated from an end platform or standing position ~~((shall))~~ must be equipped with a substantial guard securely attached to the platform or frame of the vehicle in such a manner as to protect the operator from falling objects and so designed that the operator can easily mount or dismount from the operating station.

~~((Seat cushions.))~~ All vehicles having a driver's seat ~~((shall))~~ must be provided with resilient seat cushions fixed in place.

~~((Securing of counterbalances.))~~ Counterbalances of all power-driven vehicles ~~((shall))~~ must be positively secured to prevent accidental dislodging, but may be a removable type which may be removed, if desired, prior to hoisting the vehicle.

~~((Exhaust pipes and mufflers.))~~ Exhaust pipes and mufflers of internal combustion engines, where workers are exposed to contact shall be isolated or insulated. Exhaust pipes ~~((shall))~~ must be constructed to discharge not less than seventy-two inches above the floor on jitneys and eighty-four inches on forklifts or less than twenty inches from the floor.

~~((Ventilation where internal combustion vehicles are used.))~~ Internal combustion engines may be used only in areas where adequate ventilation is provided.

(h) Concentration levels of carbon monoxide gas created by powered industrial truck operations ~~((shall))~~ must not exceed the levels specified in WAC 296-56-60055.

(i) When disputes arise concerning degree of concentration, methods of sampling to ascertain the conditions should be referred to a qualified industrial hygienist.

(j) ~~((Cargo truck couplings.))~~ Couplings installed on cargo trucks (four-wheelers) ~~((shall))~~ must be of a type which will prevent accidental disengaging.

(k) ~~((Operating levers.))~~ Operating levers on power-driven vehicles ~~((shall))~~ must be so placed as not to project toward the operator's body.

(l) ~~((Front axle assembly.))~~ The front axle assembly on all trailers ~~((shall))~~ must be securely fastened to the truck bed.

(m) ~~((Air line hook-up.))~~ Tractors hauling heavy duty highway trailers ~~((shall))~~ must have an air line brake hook-up.

(n) ~~((Floor mats.))~~ On power-driven vehicles where the operator stands on a platform, resilient foot mats ~~((shall))~~ must be securely attached.

(o) ~~((Cleaning vehicles.))~~ All power-propelled vehicles ~~((shall))~~ must be cleaned at frequent intervals to remove any accumulation of dust and grease that may present a hazard.

(7) You must meet the following requirements for forklift trucks(-):

(a) Overhead guards.

(i) When operators are exposed to overhead falling hazards, forklift trucks ~~((shall))~~ must be equipped with securely attached overhead guards. Guards ~~((shall))~~ must be constructed to protect the operator from falling boxes, cartons, packages, or similar objects.

(ii) Overhead guards ~~((shall))~~ must not obstruct the operator's view, and openings in the top of the guard ~~((shall))~~ must not exceed six inches (15.24 cm) in one of the two directions, width or length. Larger openings are permitted if no opening allows the smallest unit of cargo being handled to fall through the guard.

(iii) Overhead guards ~~((shall))~~ must be built so that failure of the vehicle's mast tilting mechanism will not displace the guard.

(iv) An overhead guard, otherwise required by this paragraph, may be removed only when it would prevent a truck from entering a work space and if the operator is not exposed to low overhead obstructions in the work space.

(v) Overhead guards ~~((shall))~~ must be large enough to extend over the operator during all truck operations, including forward tilt.

(b) ~~((Supplies to ship's rail.))~~ Cargo or supplies ~~((shall))~~ must not be hoisted to or from ship's rail with a forklift. This does not apply to ramp or side port loading.

(c) ~~((Position of forks.))~~ When standing, lift forklift forks ~~((shall))~~ must be lowered to floor. When moving, lift forklift forks ~~((shall))~~ must be kept as low as possible.

(d) ~~((Forklift use in gangplank moving.))~~ Not less than two forklifts ~~((shall))~~ must be used to place or remove gangplanks unless fork width prevents tipping and manufacturer's rated lifting capacity of the forklift is not exceeded.

(e) ~~((Forklift seat covers.))~~ Seats on forklifts ~~((shall))~~ must be provided with a removable waterproof cover when they are exposed to the weather.

(f) ~~((Raised equipment to be blocked.))~~ Workers ~~((shall))~~ must not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in

similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking ~~((shall))~~ must be used in conjunction with the jack.

(g) ~~((Maximum speed.))~~ The maximum speed for forklifts on all docks ~~((shall))~~ must not exceed eight miles per hour. The speed limit ~~((shall))~~ must be prominently posted on such docks.

(h) ~~((Load backrest extensions.))~~ Where necessary to protect the operator, forklift trucks ~~((shall))~~ must be fitted with a vertical load backrest extension to prevent the load from hitting the mast when the mast is positioned at maximum backward tilt. For this purpose, a "load backrest extension" means a device extending vertically from the fork carriage frame to prevent raised loads from falling backward.

(i) ~~((Forks.))~~ Forks, fork extensions and other attachments ~~((shall))~~ must be secured so that they cannot be accidentally dislodged, and ~~((shall))~~ must be used only in accordance with the manufacturer's recommendations.

(j) ~~((Counterweights.))~~ Counterweights ~~((shall))~~ must be so affixed that they cannot be accidentally dislodged.

(k) Capacities and weights(-):

(i) Forklift truck rated capacities, with and without removable counterweights, ~~((shall))~~ must not be exceeded. Rated capacities ~~((shall))~~ must be marked on the vehicle and ~~((shall))~~ be visible to the operator. The vehicle weight, with and without counterweight, ~~((shall))~~ must be similarly marked.

(ii) If loads are lifted by two or more trucks working in unison, the total weight of the load ~~((shall))~~ must not exceed the combined rated lifting capacity of all trucks involved.

(l) ~~((Lifting of employees.))~~ Employees may be elevated by forklift trucks only when a platform is secured to the lifting carriage or forks. The platform ~~((shall))~~ must meet the following requirements:

(i) The platform ~~((shall))~~ must have a railing complying with WAC 296-56-60123(3).

(ii) The platform ~~((shall))~~ must have toeboards complying with WAC 296-56-60123(4), if tools or other objects could fall on employees below.

(iii) When the truck has controls which are elevated with the lifting carriage, means ~~((shall))~~ must be provided for employees on the platform to shut off power to the vehicle.

(iv) Employees on the platform ~~((shall))~~ must be protected from exposure to moving truck parts.

(v) The platform floor ~~((shall))~~ must be skid resistant.

(vi) A truck operator ~~((shall))~~ must be at the truck's controls when employees are elevated unless the truck's controls are elevated with the lifting carriage.

(vii) While employees are elevated, the truck may be moved only to make minor placement adjustments.

(8) You must meet the following requirements for bulk cargo-moving vehicles(-):

(a) Where a seated operator may come into contact with projecting overhead members, crawler-type ~~((bulk cargo-moving))~~ bulk cargo-moving vehicles that are rider operated ~~((shall))~~ must be equipped with operator guards.

(b) Guards and their attachment points ~~((shall))~~ must be so designed as to be able to withstand, without excessive

deflection, a load applied horizontally at the operator's shoulder level equal to the drawbar pull of the machine.

(c) After July 26, 1999, bulk cargo-moving vehicles ~~((shall))~~ must be equipped with rollover protection of such design and construction as to prevent the possibility of the operator being crushed because of a rollover or upset.

(9) You must meet the following requirements for straddle trucks(-):

(a) ~~((Accessibility-))~~ Straddle trucks ~~((shall))~~ must have a permanent means of access to the operator's station, including any handholds necessary for safe ascent and descent.

(b) Guarding(-):

(i) Main sprockets and chains to the wheels ~~((shall))~~ must be guarded as follows:

(A) The upper sprocket ~~((shall))~~ must be fully enclosed;

(B) The upper half of the lower sprocket ~~((shall))~~ must be enclosed; and

(C) The drive chain ~~((shall))~~ must be enclosed to a height of eight feet (2.44 m) except for that portion at the lower half of the lower sprocket.

(ii) Gears ~~((shall))~~ must be fully enclosed and revolving parts which may be contacted by the operator ~~((shall))~~ must be guarded.

(iii) When straddle trucks are used in the vicinity of employees, personnel-deflecting guards ~~((shall))~~ must be provided around leading edges of front and rear wheels.

(c) ~~((Visibility-))~~ Operator visibility ~~((shall))~~ must be provided in all directions of movement.

(10) You must meet the following requirements for trailer-spotting tractors(-):

(a) Trailer-spotting tractors (fifth wheels) ~~((shall))~~ must be fitted with any hand grabs and footing necessary for safe access to the fifth wheel.

(b) Rear cab windows ~~((shall))~~ must be of safety glass or equivalent material.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60079 General rules applicable to vehicles. (1) The requirements of this section apply to general vehicle use within marine terminals except in cases where the provisions of subsections (3) and (13) of this section are preempted by regulations of the department of transportation.

(2) You must allow private vehicle parking in marine terminals ~~((shall be allowed))~~ only in designated areas.

(3) ~~((Trailers shall not be disconnected))~~ You must not disconnect trailers from tractors at loading docks until the road wheels have been immobilized. The road wheels ~~((shall))~~ must be immobilized from the time the brake system is disconnected until braking is again provided. Supplementary front end support ~~((shall))~~ must be employed as necessary to prevent tipping when a trailer is entered by a material handling vehicle. Rear end support ~~((shall))~~ must be employed if rear wheels are so far forward as to allow tipping when the trailer is entered.

(4) ~~((The employer shall))~~ You must direct motor vehicle operators to comply with any posted speed limits, other traffic control signs or signals, and written traffic instructions.

(5) You must post stop signs ~~((shall be posted))~~ at main entrances and exits of structures where visibility is impaired, and at blind intersections, unless direct traffic control, warning mirror systems or other systems of equivalent safety are provided.

(6) You must establish, identify, and use vehicular routes, traffic rules and parking areas ~~((shall be established, identified and used))~~.

(7) You must make sure vehicle drivers ~~((shall))~~ warn anyone in traffic lanes of the vehicle's approach.

(8) You must clearly post signs indicating pedestrian traffic ~~((shall be clearly posted))~~ at vehicular check-in and check-out lines and similar locations where employees may be working.

(9) You must maintain a distance of not less than twenty feet (6.1 m) ~~((shall be maintained))~~ between the first two vehicles in a check-in, check-out, road ability, or vessel loading/discharging line. This distance ~~((shall))~~ must be maintained between any subsequent vehicles behind which employees are required to work.

(10) You must make sure no unattended vehicle shall be left with its engine running unless secured against movement (see WAC 296-56-60077 for powered industrial trucks).

(11) You must provide and secure a ramp when the rear of a vehicle is elevated to facilitate loading or discharging ~~((a ramp shall be provided and secured))~~. The vehicle ~~((shall))~~ must be secured against accidental movement during loading or discharging.

(12) You must make sure only vehicle floors in safe condition ~~((shall be))~~ are used.

(13) You must make sure when flatbed trucks, platform containers or similar conveyances are loaded or discharged and the cargo consists of pipe or other products which could spread or roll to endanger employees, the cargo ~~((shall be))~~ is contained to prevent movement.

(14) You must maintain vehicles used to transport employees within a terminal ~~((shall be maintained))~~ in safe working order and safety devices ~~((shall))~~ not be removed or made inoperable.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-56-60081 Multipiece and single-piece rim wheels. You must make sure servicing of multipiece and single-piece rim wheels in marine terminal and other maritime work locations on large vehicles is regulated by requirements of chapter 296-864 WAC, Split (multipiece) rim and single-piece rim wheels.

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

WAC 296-56-60083 Cranes and derricks. (1) Scope.

(a) This section through WAC 296-56-60103 applies to every kind of crane and derrick and to any other type of equipment performing the functions of a crane or derrick except as noted in (b) of this subsection.

(b) This section does not apply to small industrial truck-type cranes, container handling toploaders and sideloaders, chain hoists, and mobile straddle-type cranes incapable of

straddling two or more intermodal containers (sixteen feet (4.88 m) in width).

(2) You must meet the following requirements for ratings(-):

(a) Except for bridge cranes covered by subsection (7) of this section, cranes and derricks having ratings that vary with boom length, radius (outreach) or other variables ~~((shall))~~ must have a durable rating chart visible to the operator, covering the complete range of the manufacturer's (or design) capacity ratings. The rating chart ~~((shall))~~ must include all operating radii (outreach) for all permissible boom lengths and jib lengths as applicable, with and without outriggers, and alternate ratings for optional equipment affecting such ratings. Precautions or warnings specified by the owner or manufacturer ~~((shall))~~ must be included.

(b) The manufacturer's (or design) rated loads for the conditions of use ~~((shall))~~ must not be exceeded.

(c) Designated working loads ~~((shall))~~ must not be increased beyond the manufacturer's ratings or original design limitations unless such increase receives the manufacturer's approval. When the manufacturer's services are not available or where the equipment is of foreign manufacture, engineering design analysis ~~((shall))~~ must be performed or approved by a person accredited for certifying the equipment under WAC 296-56-60093. Cranes ~~((shall))~~ must conform with the manufacturer's specifications or any current ANSI standards that apply. Engineering design analysis ~~((shall))~~ must be performed by a registered professional engineer competent in the field of cranes and derricks. Any structural changes necessitated by the change in rating ~~((shall))~~ must be carried out.

(3) ~~((Radius indicator.))~~ You must make sure when the rated load varies with the boom radius, the crane or derrick ~~((shall be))~~ is fitted with a boom angle or radius indicator visible to the operator.

(4) ~~((Prohibited))~~ You must prohibit the following usage(-):

(a) Equipment ~~((shall))~~ must not be used in a manner that exerts sideloading stresses upon the crane or derrick boom.

(b) No crane or derrick having a visible or known defect that affects safe operation ~~((shall))~~ must be used.

(5) You must meet the following requirements for protective devices(-):

(a) When exposed moving parts such as gears, chains and chain sprockets present a hazard to employees during crane and derrick operations, those parts ~~((shall))~~ must be securely guarded.

(b) Crane hooks ~~((shall))~~ must be latched or otherwise secured to prevent accidental load disengagement.

(c) When hoisting personnel in an approved man basket, the hook ~~((shall))~~ must have a positive safety latch to prevent rollouts.

(6) ~~((General.))~~ You must meet the following general requirements:

(a) Operating controls(-):

(i) Crane and derrick operating controls ~~((shall))~~ must be clearly marked, or a chart indicating their function ~~((shall))~~ must be posted at the operator's position.

(ii) All crane controls ~~((shall))~~ must operate in a uniform manner within a given port.

(ii) Overhead bridge and container gantry crane operating control levers ~~((shall))~~ must be self-centering so that they will automatically move to the "off" position when the operator releases the control.

(b) ~~((Booms.))~~ Cranes with elevatable booms and without operable automatic limiting devices ~~((shall))~~ must be provided with boom stops if boom elevation can exceed maximum design angles from the horizontal.

(c) ~~((Foot pedals.))~~ Foot pedals ~~((shall))~~ must have a nonskid surface.

(d) ~~((Access.))~~ Ladders, stairways, stanchions, grab irons, foot steps or equivalent means ~~((shall))~~ must be provided as necessary to ensure safe access to footwalks, cab platforms, the cab and any portion of the superstructure which employees must reach.

(i) Footwalks ~~((shall))~~ must be of rigid construction ~~((and shall be))~~ and capable of supporting a load of one hundred pounds (4.79 kPa) per square foot.

(ii) If more than twenty feet (6.1 m) in height, vertical ladders ~~((shall))~~ must comply with WAC 296-56-60209 (4), (5)(a), (5)(b)(iii) and (5)(b)(iv).

(iii) Stairways on cranes ~~((shall))~~ must be equipped with rigid handrails meeting the requirements of WAC 296-56-60123 (5)(a).

(iv) If the top of a ladder or stairway or any position thereof is located where a moving part of a crane, such as a revolving house, could strike an employee ascending or descending the ladder or stairway, a prominent warning sign ~~((shall))~~ must be posted at the foot of the ladder or stairway. A system of communication (such as a buzzer or bell) ~~((shall))~~ must be established and maintained between the foot of the ladder or stairway and the operator's cab.

(e) ~~((Operator's station.))~~ The cab, controls, and mechanism of the equipment ~~((shall))~~ must be so arranged that the operator has a clear view of the load or signal person, when one is used. Cab glass, when used, ~~((shall))~~ must be safety plate glass or equivalent and good visibility ~~((shall))~~ must be maintained through the glass. Clothing, tools and equipment ~~((shall))~~ must be stored so as not to interfere with access, operation, or the operator's view.

(f) A seat (lap) belt, meeting the requirements of 49 C.F.R. 571.208-210 for a Type 1 seat belt assembly, ~~((shall))~~ must be installed on the operator's seat of high speed container gantry cranes where the seat trolleys.

(g) ~~((Counterweights or ballast.))~~ Cranes ~~((shall))~~ must be operated only with the specified type and amount of ballast or counterweights. Ballast or counterweight ~~((shall))~~ must be located and secured only as provided in the manufacturer's or design specifications, which ~~((shall))~~ must be available.

(h) ~~((Outriggers.))~~ Outriggers ~~((shall))~~ must be used according to the manufacturer's specifications or design data, which ~~((shall))~~ must be available. Floats, when used, ~~((shall))~~ must be securely attached to the outriggers. Wood blocks or other support ~~((shall))~~ must be of sufficient size to support the outrigger, free of defects that may affect safety and of sufficient width and length to prevent the crane from shifting or toppling under load.

(i) ~~(Exhaust gases-)~~ Engine exhaust gases ~~((shall))~~ must be discharged away from the normal position of crane operating personnel.

(j) Electrical equipment ~~((shall))~~ must be so located or enclosed that live parts will not be exposed to accidental contact. Designated persons may work on energized equipment only if necessary during inspection, maintenance, or repair.

(k) Fire extinguisher(-):

(i) At least one portable fire extinguisher of at least 5-BC rating or equivalent ~~((shall))~~ must be accessible in the cab of the crane or derrick.

(ii) No portable fire extinguisher using carbon tetrachloride or chlorobromomethane extinguishing agents ~~((shall))~~ must be used.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(l) ~~(Rope on drums-)~~ At least three full turns of rope ~~((shall))~~ must remain on ungrooved drums, and two turns on grooved drums, under all operating conditions. Wire rope ~~((shall))~~ must be secured to drums by clamps, U-bolts, shackles, or equivalent means. Fiber rope fastenings are prohibited.

(m) ~~(Assembly or disassembly of boom sections-)~~ Mobile crane booms being assembled or disassembled on the ground with or without the support of the boom harness ~~((shall))~~ must be blocked to prevent dropping of the boom or boom sections.

(n) Brakes(-):

(i) Each independent hoisting unit of a crane ~~((shall))~~ must be equipped with at least one holding brake, applied directly to the motor shaft or gear train.

(ii) Each independent hoisting unit of a crane, except worm geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction, ~~((shall))~~ must, in addition to a holding brake, be equipped with a controlled braking means to control lowering speeds.

(iii) Holding brakes for hoist units ~~((shall))~~ must have not less than the following percentage of the rated load hoisting torque at the point where the brake is applied:

(A) One hundred twenty-five percent when used with a controlled braking means.

(B) One hundred percent when used with a mechanically controlled braking means.

(C) One hundred percent when two holding brakes are provided.

(iv) All power control braking means ~~((shall))~~ must be capable of maintaining safe lowering speeds of rated loads.

(o) Each crane or derrick ~~((shall))~~ must be equipped with sufficient lights to maintain five foot candles in the working area around the load hook. All crane ladders and machinery houses ~~((shall))~~ must be illuminated at a minimum of two candle power.

(p) Light fixtures connected to the boom, gantry legs, or machinery house ~~((shall))~~ must be provided with safety devices which will prevent the light fixture from falling in case of bracket failure.

(q) Electronic devices may be installed to prevent collision subject to approval of the accredited certification agency.

(r) On all rail gantry cranes, truck guards ~~((shall))~~ must extend on the ends of the trucks, close to the top of the rail to

prevent worker's feet from being caught between the rail and wheel. This subsection does not apply if rail sweeps are present.

(s) All hydraulic cylinders used to control crane booms or to provide crane stability (outriggers) ~~((shall))~~ must be equipped with a pilot operated check valve or a device which will prevent the boom or outrigger from retracting in case of failure of a component of the hydraulic system.

(t) Gantry cranes ~~((shall))~~ must be provided with automatic rail clamps or other devices to prevent the crane from moving when not being used or when power is off.

(7) You must meet the following requirements for rail-mounted cranes (excluding locomotive types)(-):

(a) For the purposes of this section, rail-mounted cranes include bridge cranes and portal cranes.

(b) ~~(Rated load marking-)~~ The rated loads of bridge cranes ~~((shall))~~ must be plainly marked on each side of the crane and in the cab. If there is more than one hoisting unit, each hoist ~~((shall))~~ must have its rated load marked on it or on its load block. Marking ~~((shall))~~ must be legible from the ground level.

(c) Wind-indicating devices(-):

(i) Each rail-mounted bridge and portal crane located outside of an enclosed structure ~~((shall))~~ must be fitted with an operable wind-indicating device.

(ii) The wind indicating device ~~((shall))~~ must provide a visible or audible warning to alert the operator of high wind conditions. That warning ~~((shall))~~ must be transmitted whenever the following circumstances are present:

(A) When wind velocity reaches the warning speed, not exceeding the crane manufacturer's recommendations; and

(B) When wind velocity reaches the shutdown speed, not exceeding the crane manufacturer's recommendations, at which work is to be stopped and the crane secured.

(iii) ~~(Instructions-The employer shall)~~ You must post operating instructions for high wind conditions in the operator's cab of each crane. Operators ~~((shall))~~ must be directed to comply with these instructions. The instructions ~~((shall))~~ must include procedures for responding to high wind alerts and for any coordination necessary with other cranes.

(d) Securing of cranes in high winds.

(i) When the wind reaches the crane's warning speed:

(A) Gantry travel ~~((shall))~~ must be stopped; and

(B) The crane ~~((shall))~~ must be readied for shutdown.

(ii) When the wind reaches the crane's shutdown speed:

(A) Any portion of the crane spanning or partially spanning a vessel ~~((shall))~~ must be moved clear of the vessel if safe to do so; and

(B) The crane ~~((shall))~~ must be secured against travel, using all available means of securing.

(e) ~~(The employer shall)~~ You must monitor local weather conditions by subscribing to a weather service or using equally effective means.

(f) The following applies for stops and bumpers(-):

(i) The ends of all tracks ~~((shall))~~ must be equipped with stops or bumpers. If a stop engages the tread of the wheel, it ~~((shall))~~ must be of a height not less than the radius of the wheel.

(ii) When more than one crane operates on the same runway or more than one trolley on the same bridge, each crane

or trolley ~~((shall))~~ must be equipped with bumpers or equivalent devices at adjacent ends subject to impact.

(g) Employee exposure to crane movement. When employees may be in the vicinity of the tracks, crane trucks ~~((shall))~~ must be equipped with personnel-deflecting guards.

(h) ~~((Pedestrian clearance.))~~ If the track area is used for employee passage or for work, a minimum clearance of three feet (0.91 m) ~~((shall))~~ must be provided between trucks or the structures of rail-mounted cranes and any other structure or obstruction. When the required clearance is not available on at least one side of the crane's trucks, the area ~~((shall))~~ must not be used and ~~((shall))~~ must be marked and identified.

(i) ~~((Warning devices.))~~ Rail-mounted cranes ~~((shall))~~ must be equipped with an effective audible and visible travel warning device which ~~((shall))~~ must be used to warn employees who may be in the path of the moving crane.

(j) The following are requirements for communications(-):

(i) Means of communication ~~((shall))~~ must be provided between the operator's cab and the base of the gantry of all rail-mounted cranes. This requirement may be met by telephone, radio, sound-signaling system or other effective methods, but not solely by hand-signaling.

(ii) All rail-mounted cranes thirty ton and above capacity ~~((shall))~~ must be equipped with a voice hailing device (PA system) from the operator to the ground, audible within one hundred feet.

(k) Limit switch bypass systems ~~((shall))~~ must be secured during all cargo operations. Such bypass systems ~~((shall))~~ must not be used except in an emergency or during noncargo handling operations such as stowing cranes or derricks or performing repairs. When a situation requiring the use of a bypass system or the readjustment of a limit switch arises, it ~~((shall))~~ must be done only under the direction of a crane mechanic.

(l) Cranes and crane operations—Scope and application. The sections of this chapter, WAC 296-56-60083 through 296-56-60099, apply to cranes, derricks, and crane operations.

(m) ~~((Signal persons.))~~ A signal person ~~((shall))~~ must be required when a crane operator's visibility is obstructed. When a signal person is required to transmit hand signals, they ~~((shall))~~ must be in such a position that the operator can plainly see the signals.

(n) ~~((Signals.))~~ All operators and signal persons ~~((shall))~~ must use standard signals as illustrated for longshore crane operations. (See Appendices C and D, at the end of this chapter.)

(o) ~~((Signal person for power units.))~~ Where power units, such as cranes and winches are utilized and signaling is required, the operator ~~((shall))~~ must be instructed as to who is authorized to give signals. The operator ~~((shall))~~ must take signals only from such authorized person. In case of emergency, any worker ~~((shall))~~ must be authorized to give a stop signal.

(i) No draft ~~((shall))~~ must be hoisted unless the winch or crane operator can clearly see the draft itself or see the signals of any signal person associated with the operation.

(ii) Loads requiring continuous manual guidance while in motion ~~((shall))~~ must be provided with tag lines.

(p) ~~((Landing loads.))~~ Persons assisting in landing a load ~~((shall))~~ must face the load and use caution to prevent themselves from getting in a position where they may be caught between the load and a fixed object.

(8) ~~((Stabilizing of locomotive cranes. Loads may be hoisted.))~~ You may hoist loads by locomotive cranes only if outriggers are in place, unless means are taken to prevent the load being carried by the truck springs of the crane.

(9) You must meet the following requirements for operations(-):

(a) ~~((Use of cranes together.))~~ When two or more cranes hoist a load in unison, a designated person ~~((shall))~~ must direct the operation and instruct personnel in positioning, rigging of the load and movements to be made.

(b) ~~((Guarding of swing radius.))~~ Accessible areas within the swing radius of the body of a revolving crane ~~((shall))~~ must be physically guarded during operations to prevent an employee from being caught between the body of the crane and any fixed structure or between parts of the crane.

(c) ~~((Securing mobile crane components in transit.))~~ The crane's superstructure and boom ~~((shall))~~ must be secured against rotation and carried in line with the direction of travel except when negotiating turns with an operator in the cab or when the boom is supported on a dolly. The empty hook or other attachment ~~((shall))~~ must be secured.

(d) ~~((Unattended cranes.))~~ The following steps ~~((shall))~~ must be taken before leaving a crane unattended between work periods:

(i) Suspended loads, such as those hoisted by lifting magnets or clamshell buckets, ~~((shall))~~ must be landed unless the storage position or maximum hoisting of the suspended device will provide equivalent safety;

(ii) Clutches ~~((shall))~~ must be disengaged;

(iii) The power supply ~~((shall))~~ must be shut off;

(iv) The crane ~~((shall))~~ must be secured against accidental travel; and

(v) The boom ~~((shall))~~ must be lowered or secured against movement.

(e) Operating near electric power lines(-):

(i) ~~((Clearance.))~~ Unless electrical distribution and transmission lines are deenergized and visibly grounded at point of work, or unless insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with lines, cranes may be operated near power lines only in accordance with the following:

(A) For lines rated 50 kV or below, minimum clearance between the lines and any part of the crane or load ~~((shall))~~ must be ten feet (3.05 m);

(B) For lines rated over 50 kV, minimum clearance between the lines and any part of the crane or load ~~((shall))~~ must be either 10 feet (3.05 m) plus 0.4 inch (10.16 mm) for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet; and

(C) In transit with no load and boom lowered, the clearance ~~((shall))~~ must be a minimum of four feet (1.22 m).

(ii) ~~((Boom guards.))~~ Cage-type boom guards, insulating links or proximity warning devices may be used on cranes, but they ~~((shall))~~ must not be used in place of the clearances required by subsection (9)(e)(i) of this section.

(iii) ~~((Determination of energized lines.))~~ Any overhead line ~~((shall))~~ must be presumed to be energized until the owner of the line indicates that it is not energized.

(10) You must meet the following requirements for protection for employees being hoisted(-):

(a) ~~((No employee shall be))~~ You must make sure no employee is hoisted by the load hoisting apparatus of a crane or derrick except:

(i) On intermodal container spreaders, equipped in accordance with this subsection; or

(ii) In a boatswain's chair or other device rigged to prevent it from accidental disengagement from the hook or supporting member; or

(iii) On a platform meeting the following requirements:

(A) Enclosed by a railing or other means providing protection equivalent to that described in WAC 296-56-60123(3). If equipped with open railings, the platform ~~((shall))~~ must be fitted with toe boards;

(B) Having a safety factor of four based on ultimate strength;

(C) Bearing a plate or permanent marking indicating maximum load rating, which ~~((shall))~~ must not be exceeded, and the weight of the platform itself;

(D) Equipped with a device to prevent access doors, when used, from opening accidentally;

(E) Equipped with overhead protection for employees on the platform if they are exposed to falling objects or overhead hazards;

(F) Secured to the load line by means other than wedge and socket attachments, unless the free (bitter) end of the line is secured back to itself by a clamp placed as close above the wedge as possible.

(b) Except in an emergency, the hoisting mechanism of all overhead and container gantry cranes used to hoist personnel ~~((shall))~~ must operate in power up and power down, with automatic brake application when not hoisting or lowering.

(c) Variable radius booms of a crane or derrick used to hoist personnel ~~((shall))~~ must be so constructed or secured as to prevent accidental boom movement.

(d) Platforms or devices used to hoist employees ~~((shall))~~ must be inspected for defects before each day's use and ~~((shall))~~ must be removed from service if defective.

(e) Employees being hoisted ~~((shall))~~ must remain in continuous sight of and communication with the operator or signal person.

(f) Operators ~~((shall))~~ must remain at the controls when employees are hoisted.

(g) Cranes ~~((shall))~~ must not travel while employees are hoisted, except in emergency or in normal tier to tier transfer of employees during container operations.

(h) When intermodal container spreaders are used to transfer employees to or from the tops of containers, the spreaders ~~((shall))~~ must be equipped with a personnel platform equipped with fixed railings, provided that the railings have one or more openings for access. The openings ~~((shall))~~ must be fitted with a means of closure, such as chains with hooks. Existing railings ~~((shall))~~ must be at least thirty-six inches (0.91 m) in height. New railings installed after October 3, 1983 ~~((shall))~~ must be forty-two inches (1.07 m), plus or minus three inches (7.62 cm), in height. The provisions of

(a)(iii)(C), (D), and (F) of this subsection also apply to personnel platforms when container spreaders are used.

(i) Positive safety latch-type hooks or moused hooks ~~((shall))~~ must be used.

(j) Employees ~~((shall))~~ must not be hoisted on intermodal container spreaders while a load is engaged. Additional requirements are located in WAC 296-24-23533.

(11) You must meet the following requirements for routine ~~((inspection.))~~ inspections:

(a) Designated persons ~~((shall))~~ must visually inspect each crane and derrick on each day of use for defects in functional operating components and ~~((shall))~~ must report any defect found to the employer. ~~((The employer shall))~~ You must inform the operator of the findings.

(b) A designated person ~~((shall))~~ must thoroughly inspect all functional components and accessible structural features of each crane or device at monthly intervals.

(c) Any defects found during such inspections which may create a safety hazard ~~((shall))~~ must be corrected before further use. Repairs ~~((shall))~~ must be performed only by designated persons.

(d) A record of monthly inspections ~~((shall))~~ must be maintained for six months in or on the crane or derrick or at the terminal.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60085 Crane load and limit devices. (1) You must fit every crane with a load indicating device or alternative device in proper working condition, except as provided in subsection (8) of this section ~~((, every crane shall be fitted with a load indicating device or alternative device in proper working condition))~~. The type or model or any load indicating or alternate device which is used shall provide:

(a) A direct indication in the cab of actual weight hoisted or a means of determining this by referencing a weight indication to crane ratings posted and visible to the operator. The use of a dynamometer or simple scale alone ~~((shall))~~ must not meet this requirement; or

(b) Indications in the cab according to the radius and load at the moment; or

(c) A direct means to prevent an overload from occurring.

(2) You must make sure the accuracy of the devices required by this section ~~((shall))~~ must be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than ninety-five percent of the actual true total load (five percent overload) to one hundred ten percent of the actual true total load (ten percent underload). Such accuracy ~~((shall))~~ must be required over the range of the daily operating variables to be expected under the conditions of use.

(3) ~~((The device shall))~~ You must make sure the device permits the operator to determine, before making any lift, that the indicating or substitute system is operative. In the alternative, if a device is so mounted or attached to preclude such a determination, it may not be used unless it has been certified by the manufacturer to

remain operable within the limits stated in subsection (2) of this section for a specific period of use. Checks for accuracy, using known values of load, ~~((shall))~~ must be performed at the time of every certification survey (see WAC 296-56-60093) and at such additional times as may be recommended by the manufacturer.

(4) You must make sure when a load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength ~~((shall))~~ must not be the limiting factor of the supporting system (crane structure).

(5) ~~((Marking shall be))~~ You must make sure marking is conspicuously placed giving: Units of measure in pounds or both pounds and kilograms, capacity of the indicating system, accuracy of the indicating system, and operating instructions and precautions. In the case of systems utilizing indications other than actual weights, the marking ~~((shall))~~ must include data on: The means of measurement, capacity of the system, accuracy of the system, operating instructions and precautions. If the system used provides no read-out, but it is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking ~~((shall))~~ must be provided giving the make and model of the device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required ~~((shall))~~ must be readily visible to the operator.

(6) You must make sure all load indicating devices ~~((shall be))~~ are operative over the full operating radius. Overall accuracy ~~((shall))~~ must be based on actual applied load and not on full scale (full capacity) load.

Explanatory note((-): For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus ten percent, it would accept a reading between ninety thousand and one hundred ten thousand pounds, at full capacity of a machine with one hundred thousand pounds, maximum rating, but would also allow a reading between zero and twenty thousand pounds, at that outreach (radius) at which the rating would be ten thousand pounds capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the one hundred thousand pound load but becomes a figure between nine thousand and eleven thousand pounds, a much different and acceptable condition, at the ten thousand pound load.

(7) You must make sure when the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) ~~((shall be))~~ is a figure which is within the range of a figure no greater than one hundred ten percent of the actual radius to a figure which is no less than ninety-seven percent of the actual (true) radius. A conversion chart ~~((shall))~~ must be provided whenever it is necessary to convert between degrees of radius and feet or meters.

(8) The load indicating device requirements of this section do not apply to a crane:

(a) Of trolley equipped bridge type while handling container known to be and identified as empty, or loaded, and in either case in compliance with the provisions of WAC 296-56-60103, or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose, and in all cases within the crane rating;

(b) While handling bulk commodities or cargoes by means of clamshell bucket or magnet;

(c) While used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or

(d) While the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds eleven thousand two hundred pounds, and when eleven thousand two hundred pounds, is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(9) You must install limit switches ~~((shall be installed))~~ on the main line and whip line assemblies, of all cranes and derricks, which will deactivate the hoisting power when a load reaches the upper limits of travel and at such other places as required by this chapter. Line limit switches ~~((shall))~~ must be tested prior to or at the beginning of each shift to determine if they are functioning properly. Any malfunction ~~((shall))~~ must be reported to the person in charge immediately and ~~((shall))~~ must be repaired prior to use.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60087 Winches. (1) You must guard moving winch parts which present hazards to employees ~~((shall be guarded))~~.

(2) You must make sure winches ~~((shall))~~ have clearly identifiable and readily accessible stop controls.

(3) You must secure portable winches ~~((shall be secured))~~ against accidental shifting while in use.

(4) You must fit portable winches ~~((shall be fitted))~~ with limit switches if employees have access to areas from which it is possible to be drawn into the winch.

(5) The provisions of WAC 296-56-60083 (6)(l) apply to winches.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60089 Conveyors. (1) ~~((Guards--))~~ You must meet the following requirements for guards:

(a) Danger zones at or adjacent to conveyors ~~((shall))~~ must be guarded to protect employees.

(b) An elevated walkway with guardrail or equivalent means of protection ~~((shall))~~ must be provided where employees cross over moving conveyors. Suitable guarding ~~((shall))~~ must be provided when employees pass under moving conveyors.

(2) ~~((Moving parts--))~~ You must secure conveyor rollers and wheels ~~((shall be secured))~~ in position.

(3) ~~((Positioning-))~~ You must firmly place and secure gravity conveyor sections ((shall be firmly placed and secured)) to prevent them from falling.

(4) You must meet the following requirements for braking(-):

(a) When necessary for safe operation, provisions ~~((shall))~~ must be made for braking objects at the delivery end of the conveyor.

(b) Conveyors using electrically released brakes ~~((shall))~~ must be constructed so that the brakes cannot be released until power is applied, and the brakes are automatically engaged if the power fails or the operating control is returned to the "stop" position.

(5) ~~((Stability-))~~ You must make sure portable conveyors ~~((shall be))~~ are stable within their operating ranges. When used at variable fixed levels, the unit ~~((shall))~~ must be secured at the operating level.

(6) ~~((Emergency stop devices-))~~ You must provide readily accessible stop controls ~~((shall be provided))~~ for use in an emergency whenever employees are required to walk or work in the vicinity of the conveyor. The emergency stop device ~~((shall))~~ must be available within easy reach from any position on or adjacent to the conveyor.

(7) ~~((Starting powered conveyors-))~~ You must not start powered conveyors ~~((shall not be started))~~ until all employees are clear of the conveyor or have been warned that the conveyor is about to start.

(8) ~~((Loading and unloading-))~~ You must keep the area around conveyor loading and unloading points ~~((shall be kept))~~ clear of obstructions during conveyor operations.

(9) You must meet the following requirements for lock-out/tagout(-):

(a) Conveyors ~~((shall))~~ must be stopped and their power sources locked out and tagged out during maintenance, repair, and servicing, unless power is necessary for testing.

(b) The starting device ~~((shall))~~ must be locked out and tagged out in the stop position before an attempt is made to remove the cause of a jam or overload of the conveying medium, unless it is necessary to have the power on to remove the jam.

(10) You must meet the requirements for chutes, gravity conveyors and rollers(-):

(a) Chutes used in the manual handling of cargo ~~((shall))~~ must be adequate for the use to which they are put and ~~((shall))~~ must be kept free of splinters and sharp edges.

(b) Chutes ~~((shall))~~ must be equipped with sideboards of sufficient height to prevent cargo from falling off.

(c) Chutes and gravity roller sections ~~((shall))~~ must be firmly placed or secured to prevent displacement.

(d) Gravity rollers ~~((shall))~~ must be of sufficient strength for the weight of material which is placed upon them. Rollers ~~((shall))~~ must be locked in position to prevent them from falling or jumping out of the frame.

(e) Frames ~~((shall))~~ must be kept free of burrs and sharp edges.

(f) When necessary, provision ~~((shall))~~ must be made for braking objects at the delivery end of the roller or chute.

(11) You must meet the following requirements for safe practices(-):

(a) Only designated persons ~~((shall))~~ must operate, repair or service powered conveyors.

(b) ~~((The employer shall))~~ You must direct employees to stay off operating conveyors.

(c) Conveyors ~~((shall))~~ must be operated only with all overload devices, guards and safety devices in place and functional.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

WAC 296-56-60091 Spouts, chutes, hoppers, bins, and associated equipment. (1) You must inspect standing and running rigging and associated gear used as a permanent part of spouts, chutes or similar devices ~~((shall be inspected))~~ before each use and ~~((shall))~~ must not be used if it has any functional defects. (See WAC 296-56-60093 for certification requirements.)

(2) You must provide direct communication ~~((shall be provided))~~ between the discharge or shipboard control end of loading spouts or chutes, and the point in the terminal from which the flow of cargo is controlled.

(3) You must guard chute and hopper openings which present a hazard ~~((shall be guarded))~~ to prevent employees from falling through.

(4) You must equip the hopper with a safe walkway and safe means of access when employees are working on hoppers ~~(, the hopper shall be equipped with a safe walkway and safe means of access))~~.

(5) You must equip chutes with sideboards to afford protection from falling objects when necessary for the safety of employees ~~((, chutes shall be equipped with sideboards to afford protection from falling objects))~~.

(6) ~~((Chutes shall be firmly placed and secured))~~ You must firmly place and secure chutes to prevent them from falling.

(7) You must make provisions for braking objects other than bulk commodities at the delivery end of the chute when necessary for the safety of employees ~~((, provisions shall be made for braking objects other than bulk commodities at the delivery end of the chute))~~.

(8) You must make sure that before an employee enters an empty bin:

(a) Personnel controlling the flow of cargo into the bin ~~((shall))~~ must be notified of the entry; and

(b) The power supply to the equipment carrying the cargo to the bin ~~((shall))~~ must be turned off, locked out and tagged.

(9) You must ensure that before an employee enters a bin containing a bulk commodity such as coal or sugar ~~((, the employer shall ensure))~~ that:

(a) Personnel controlling the flow of cargo into the bin ~~((shall))~~ must be notified of the entry;

(b) The power supply to the equipment carrying the cargo to the bin ~~((shall))~~ must be turned off, locked out and tagged;

(c) The employee entering the bin ~~((shall))~~ must wear a life-line and safety harness; and

(d) A standby attendant equipped to perform a rescue ~~((shall))~~ must be continuously stationed outside the bin until the employee has left the bin.

(10) You must cover bin top openings that present a hazard to employees ~~((shall be covered))~~ to prevent employees from falling into bins.

(11) You must make sure chutes and hoppers ~~((shall be repaired))~~ are only repaired by designated persons.

(12)~~((a))~~ You must have a designated person inspect the equipment that is to be used before power shoveling operations begin~~((a designated person shall inspect the equipment to be used))~~. The inspection ~~((shall))~~ must include at least the eye bolts, wires, and sheaves.

~~((b))~~ (a) Power shovels and associated equipment with defects affecting safe operation ~~((shall))~~ must not be used.

~~((c))~~ (b) Before adjustments are made to a power shovel, wire, or associated equipment, the power supply to the shovel ~~((shall))~~ must be turned off, locked out, and tagged, the belt stopped, and the hopper closed.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60093 Certification of marine terminal material handling devices. (1) ~~((The employer shall))~~ You must not use any material handling device listed in WAC 296-56-60098(8) until ~~((he/she has))~~ you have ascertained that the device has been certified, as evidenced by current and valid documents attesting to compliance with the requirements of WAC 296-56-60097 and 296-56-60098.

(2) You must make sure certification surveys are ~~((to be))~~ completed for the conditions of use found at the time such surveys are performed. Equipment owners or users may change the configurations of the equipment according to the manufacturer's specifications without affecting the established certification status for the equipment.

(3) These rules apply to employment within a marine terminal including the loading, unloading, movement, or other handling of cargo, ship's stores, or gear within the terminal or into or out of any land carrier, holding or consolidation area, or any other activity within and associated with the overall operation and functions of the terminal, such as the use and routine maintenance of facilities and equipment.

(4) You must make sure inspection and test certificates ~~((shall be))~~ are issued only for that equipment which meets or exceeds the requirements specified in these rules. All inspection and test certificates ~~((shall))~~ must be issued through the office of the assistant director of the division of consultation and compliance, department of labor and industries, and ~~((shall))~~ must be valid for a period not to exceed one year from the date of issuance.

(5) You must make sure equipment requiring certification ~~((shall be))~~ is inspected by individuals who have received a "certificate of competency" from the assistant director ~~((, division of WISHA services))~~ of DOSH indicating that they are qualified and capable of performing such work.

(6) You must make sure that when deficiencies are found they ~~((shall be))~~ are noted on forms provided for such purpose by the division of consultation and compliance. Copies ~~((shall))~~ must be delivered to the owner of the equipment and

the division of consultation and compliance at the headquarter's office by the person conducting such tests or inspections.

(7) You must make sure a certificate of unit test or examination of equipment ~~((shall not be))~~ is not issued for any equipment found not to be in compliance with the provisions of this chapter.

(8) You must make sure persons desiring a "certificate of competency" ~~((shall))~~ demonstrate and document their capabilities and qualifications to the assistant director of the division of consultation and compliance, who will issue certificates to those persons who have demonstrated competency. The assistant director reserves the right to revoke such certificates at any time for cause. A "certificate of competency" ~~((shall))~~ must be issued for a period of not more than three years. Applications for renewal may be made not more than sixty days prior to the expiration date shown on the certificate.

(9) The assistant director of the division of consultation and compliance or ~~((his/her))~~ their representative, reserves the right to inspect such equipment or to witness or attend any test or inspection in order to ascertain the adequacy of any certification activity performed.

(10) You must make sure, unless otherwise exempted, all cranes or derricks required to be ~~((certificated))~~ certified by these regulations ~~((shall))~~ must have a current test certificate posted in the operator's cab or station. No person ~~((shall))~~ may operate such crane or derrick unless a current valid certificate is posted.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-56-60095 Advisory crane certification panel. (1) Any person desiring a certificate of competency for crane inspection or certification ~~((shall))~~ must make application to the assistant director of the division of consultation and compliance for the certificate of competency. The application ~~((shall))~~ must include documentation of all qualifications, including all past experience, education, training and any other factors deemed to be relevant to the application.

(2) The advisory crane certification panel ~~((shall))~~ must assist the assistant director of the division of consultation and compliance in ~~((his/her))~~ their duties under this chapter. The panel ~~((shall))~~ must consist of six members. Two members ~~((shall))~~ must represent labor, two members ~~((shall))~~ must represent management, and one member ~~((shall))~~ must be a crane expert. The sixth member ~~((shall))~~ must be chair of the panel. ~~((He/she shall))~~ The chair must be the assistant director of consultation and compliance or ~~((his/her))~~ the chair's designee. The panel ~~((shall))~~ must be responsible for advising the assistant director as to the issuance of any certificate of competency. The panel ~~((shall))~~ must review all applications for certificates of competency. Minutes of meetings ~~((shall))~~ must be kept.

(3) In addition, the panel ~~((shall))~~ must, upon request by the assistant director, render advice concerning any matter which is relevant to crane safety. The panel ~~((shall))~~ must meet twice yearly or more often as deemed necessary by the chairman of the panel. Any panel member who is not an

employee of the state of Washington ~~((shall))~~ must serve voluntarily.

AMENDATORY SECTION (Amending WSR 99-02-024, filed 12/30/98, effective 3/30/99)

WAC 296-56-60097 Unit proof load test and inspection. (1) ~~You must make sure~~ cranes and derricks ~~((shall be))~~ are proof load tested, rated and certified in tons (2,000 lbs. = 1 ton). Cranes and derricks ~~((shall))~~ must be inspected and unit proof load tested prior to being put into use, after any significant modification or repairs of structural parts, or when deemed necessary by the assistant director of consultation and compliance or ~~((his/her))~~ their designee. However, each crane or derrick ~~((shall))~~ must be unit proof load tested at least once during each twelve-month period. Unit proof load tests ~~((shall))~~ must be carried out by the use of weights as a dead load. When use of weights for unit proof load tests is not possible or reasonable a dynamometer or other recording test equipment may be used. Such equipment ~~((shall))~~ must be tested for accuracy with certified calibrating equipment within twelve months prior to being used and a copy of the certified calibration test ~~((shall))~~ must be made available to authorized representatives of the division of consultation and compliance upon request.

(2) The weight of the objects used for a dead load weight test ~~((shall))~~ must be certified and a record of the weight ~~((shall))~~ must be made available upon request. Any replacements or repairs deemed necessary by the person conducting a test ~~((shall))~~ must be carried out before application of the required proof load unit test.

~~((4))~~ (3) The proof load tests for derricks ~~((shall))~~ must be conducted as follows:

Safe Working Load	Proof Load
To 20 tons	25% in excess
20-50 tons	5 tons in excess
Over 50 tons	10% in excess of manufacturer's recommended lifting capacity.

Proof load ~~((shall))~~ must be applied at the designed maximum and minimum boom angles or radii, or if this is impractical, as close to these as practical. The angles or radii of test ~~((shall))~~ must be stated in the certificate of test. Proof loads ~~((shall))~~ must be swung as far as possible in all directions. The weight of auxiliary handling devices such as spreader bars, robots, clams, magnets, or other gear ~~((shall))~~ must be considered a part of the load. Brakes ~~((shall))~~ must be tested by holding the proof load suspended without other mechanical assistance. After satisfactory completion of a unit proof load test the derrick and all component parts thereof ~~((shall))~~ must be carefully examined and nondestructive tests may be conducted to assure that the equipment is safe for use and has not been damaged in the unit proof load testing process.

~~((2))~~ (4) Unit proof load tests for cranes ~~((shall))~~ must be carried out with the boom in the least stable direction relative to the mounting, based on the manufacturer's specifications.

(5) Unit proof load tests for cranes ~~((shall))~~ must be based on the manufacturer's load ratings for the conditions of

use and ~~((shall))~~ must, except in the case of bridge type cranes utilizing a trolley, consist of application of a proof load of ten percent in excess of the load ratings at maximum and minimum radius, and at such intermediate radii as the certifying authority may deem necessary in the circumstances. (The manufacturer's load ratings are usually based upon percentage of tipping loads under some conditions and upon limitations of structural competence at others, as well as on other criteria such as type of crane mounting, whether or not outriggers are used, etc. Some cranes utilizing a trolley may have only one load rating assigned and applicable at any outreach. It is important that the manufacturer's ratings be used.) Trolley equipped cranes ~~((shall))~~ must be subject to a proof load of twenty-five percent in excess of the manufacturer's load rating. In cases of foreign manufacture, the manufacturer's specifications ~~((shall))~~ must be subject to approval by the certifying authority. The weight of all auxiliary handling devices such as magnets, hooks, slings, and clamshell buckets ~~((shall))~~ must be considered part of the load.

~~((3))~~ (6) If the operation in which equipment is engaged never utilizes more than a fraction of the safe working load rating, the owner of the equipment may, at ~~((his/her))~~ their option, have the crane or derrick certified for and operated at a lesser maximum safe working load in keeping with the use and based on radius and other pertinent factors, however, the equipment concerned ~~((shall))~~ must be physically capable of operation at the original load rating and the load reduction ~~((shall))~~ must not be for the purpose of avoiding correction of any deficiency.

~~((4))~~ (7) Safe working load ratings ~~((shall))~~ must not be increased beyond the manufacturer's ratings or original design limitations without prior approval by the accredited certification agency. Such prior approval ~~((shall))~~ must be based on the manufacturer's approval of such increase or documented engineering design analysis or both. All necessary structural changes ~~((shall))~~ must be completed prior to approval by the accredited certification agency.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60098 Examination and inspection of cranes and derricks. (1) ~~You must carry out an examination~~ ~~((shall be carried out))~~ in conjunction with each annual unit proof load test. The accredited person, or their authorized representative, ~~((shall))~~ must make a determination as to correction of deficiencies found. The examination ~~((shall))~~ must include the following: (Refer to WAC 296-56-60093(8) for definition of accredited person.)

(a) All functional operating mechanisms ~~((shall))~~ must be examined for improper function, maladjustment, and excessive component wear, with particular attention to sheaves, pins, and drums. The examinations ~~((shall))~~ must include operation with partial load, in which all functions and movements, including maximum possible rotation in both directions, are checked.

(b) All safety devices ~~((shall))~~ must be examined for malfunction.

(c) Lines, tanks, valves, drains, pumps, and other parts of air or hydraulic systems ~~((shall))~~ must be examined for deterioration or leakage.

(d) Rope reeving ~~((shall))~~ must comply with the manufacturer's recommendations.

(e) Deformed, cracked, or excessively corroded members in crane structure and boom ~~((shall))~~ must be repaired or replaced as necessary.

(f) Loose bolts, rivets, or other connections ~~((shall))~~ must be corrected.

(g) Worn, cracked, or distorted parts affecting safe operation ~~((shall))~~ must be corrected.

(h) All brakes, used to control the load, boom or travel of the crane, ~~((shall))~~ must be tested. Air, hydraulic, or electrically operated brakes ~~((shall))~~ must be of such design as to set and stop the load if the source of power fails.

(i) Brake and clutch system parts, linings, pawls, and ratchets ~~((shall))~~ must be examined for excessive wear and free operation.

(j) Load, boom angle, or other indicators ~~((shall))~~ must be checked over their full range. Defects in such indicators ~~((shall))~~ must be immediately corrected.

(k) Where used, clamshell buckets or other similar equipment, such as magnets, ~~((shall))~~ must be carefully examined in all respects, with particular attention to closing line wires and sheaves. The accredited person may supplement such examination by requesting any operational tests deemed appropriate.

(l) Careful examination of the junction areas of removable boom sections, particularly for proper seating, cracks, deformities, or other defects in securing bolts and in the vicinity of such bolts, ~~((shall))~~ must be made.

(m) All platforms, steps and footwalks located on cranes where workers are exposed to the hazard of slipping ~~((shall))~~ must be of a nonslip material. Wire rope used for railings on cranes ~~((shall))~~ must be kept taut at all times.

Note: In critical areas such as footwalks along booms, a grating material should be used.

(n) No counterweights in excess weight of the manufacturer's specifications ~~((shall))~~ must be fitted or used.

(o) Such other examination or supplemental functional tests ~~((shall))~~ must be made as may be deemed necessary by the accredited person under the circumstances.

(2) You must meet the following requirements for wire rope(-):

(a) All wire rope ~~((shall))~~ must be inspected at least once a month, dependent upon conditions to which the wire ropes are subjected, and at intervals not exceeding a twelve-month period. Records of inspection of wire rope ~~((shall))~~ must be kept and ~~((shall))~~ must be available to the department of labor and industries representative. Records ~~((shall))~~ must be kept for one year. Refer to the general safety and health standards, WAC 296-24-24013.

(b) Wire rope ~~((shall))~~ must not be used if in any length of eight diameters, the total number of visible broken wires exceeds ten percent of the total number of wires, or if the rope shows other signs of excessive wear, corrosion, or defect. Particular attention ~~((shall))~~ must be given to the condition of those sections of wire rope adjacent to any terminal connec-

tions, those sections exposed to abnormal wear, and those sections not normally exposed for examination.

(c) Documentation available for inspection ~~((shall))~~ must include wire rope test certificates relating to any replacements made since the last unit test or annual examination as required.

(d) Wire rope and replacement wire rope ~~((shall))~~ must be of the same size, same or better grade, and same construction as originally furnished by the equipment manufacturer or contemplated in the design, unless otherwise recommended by the equipment or wire rope manufacturer due to actual working conditions. In the absence of specific requirements, wire rope ~~((shall))~~ must be of a size and construction suitable for the purpose, and ~~((shall))~~ must have the capacity to handle five times the heaviest expected load, verified by wire rope test certificate.

(e) Wire rope in use on equipment previously constructed and prior to initial certification of said equipment ~~((shall))~~ must not be required to be tested but ~~((shall))~~ must be subject to thorough examination at the time of initial certification of the equipment.

(3)~~((a))~~ You must meet the following requirements for accessory components(-):

(a) Container spreader bar twist locks ~~((shall))~~ must be carefully examined periodically and at the time of annual examination and inspection. Cracked or deformed hooks ~~((shall))~~ must be discarded immediately and not reused.

(b) Crane hooks and container spreader bar twist lock. Magnetic particle or other suitable crack detecting inspection ~~((shall))~~ must be performed at least once each year. When testing by X ray, the pertinent provisions of the Nuclear Regulatory Commission's standards for protection against radiation, relating to protection against occupational radiation exposure, ~~((shall))~~ must apply.

(4) You must make sure, in the event that heat treatment of any loose gear is recommended by the manufacturer, the latest heat treatment certificate attesting to compliance with the manufacturer's specifications ~~((shall))~~ must be part of the available documentation. Heat treatment ~~((shall))~~ must be carried out in accordance with the specifications of the manufacturer by persons competent to perform such work.

(5) You must make sure replacement parts ~~((shall be))~~ are of equal or better quality than the original equipment and suitable for the purpose. Repairs or modifications ~~((shall))~~ must be such as to render the equipment equal to or better than the original construction or design.

(6) You must make sure, in cases of foreign manufactured cranes, there ~~((shall be))~~ is an owner's warranty that the design is adequate for the intended use. The warranty ~~((shall))~~ must be based on a thorough examination of the design specifications by a registered professional engineer familiar with the equipment.

(7) You must make sure the certifications required by this section ~~((shall be))~~ are performed in accordance with WAC 296-56-60093 by persons accredited by the assistant director of ~~((WISHA services))~~ DOSH.

(8) You must make sure the marine terminal material handling devices listed below ~~((shall be))~~ are certified in the following manner:

(a) Each crane and derrick ~~((shall))~~ must be tested and examined as a unit annually. A copy of the certificate of tests and examinations ~~((shall))~~ must be posted in the crane operator's cab.

(b) Bulk cargo spouts and suckers, together with any portable extensions and rigging or outriggers supporting them vertically, ~~((shall))~~ must be examined annually. Certificates attesting to the required examination ~~((shall))~~ must be made readily available for inspection.

(c) Vertical pocket or bucket conveyors such as banana, sugar, and grain marine legs (other than those within a grain elevator structure) used within a marine terminal facility ~~((shall))~~ must be examined annually. The annual examination ~~((shall))~~ must include all supporting structures, rigging, mechanical components and observation of all steps of operations. Certificates attesting to the required examinations ~~((shall))~~ must be readily available for inspection.

(d)~~((+))~~ House fall cargo-handling gear ~~((shall))~~ must be proof load tested as a unit upon initial certification and every fourth year thereafter.

(i) An examination ~~((shall))~~ must be carried out in conjunction with each unit proof load test and annually thereafter. The unit test ~~((shall))~~ must consist of a proof load of twenty-five percent in excess of the rated safe working load. Examinations ~~((shall))~~ must include all supporting structures and components. Certificates attesting to the required tests and examinations ~~((shall))~~ must be readily available for inspection.

(ii) House fall span beams or other house fall block supports ~~((shall))~~ must be marked with the safe working load, which ~~((shall))~~ must not be exceeded.

(e) You must meet the following requirements for special gear(-):

(i) Special stevedoring gear provided by the employer, the strength of which depends upon components other than commonly used stock items such as shackles, ropes or chains, ~~((shall))~~ must be tested as a unit in accordance with the following table before initially being put into use (see Table A). In addition, any special stevedoring gear that suffers damage necessitating structural repair ~~((shall))~~ must be inspected and retested after repair and before being returned to service.

Table A	
Safe Working Load	Proof Load
Up to 20 short tons	25 percent in excess
Over 20 to 50 short tons	5 short tons in excess
Over 50 short tons	10 percent in excess

(ii) Special stevedoring gear provided by the employer that has a SWL of five short tons (10,000 or 4.54 metric tons) or less ~~((shall))~~ must be inspected and tested as a unit before initial use according to (d) and (e) of this subsection or by a designated person (see Table A).

(iii) Every spreader not a part of ship's gear and used for hoisting intermodal containers ~~((shall))~~ must be tested to a proof load equal to twenty-five percent in excess of its rated capacity. Additionally, any spreader which suffers damage necessitating structural repair ~~((shall))~~ must be retested after repair and before being returned to service.

(iv) Certificates attesting to the required tests ~~((shall))~~ must be available for inspection.

(v) All cargo handling gear covered by this section with a SWL greater than five short tons (10,000 lbs. or 4.54 metric tons) ~~((shall))~~ must be proof load tested according to Table A every four years in accordance with subsection (7) of this section or by a designated person.

(f) Wire rope and loose gear used for material handling ~~((shall))~~ must be tested and certified before being placed into use in accordance with the provisions of WAC 296-56-60097. Certificates attesting to the required tests, inspections and examinations ~~((shall))~~ must be available.

(9) ~~((Disassembly and reassembly of equipment does not require recertification of the equipment))~~ You do not need to recertify equipment that has been disassembled and reassembled provided that the equipment is reassembled and used in a manner consistent with its certification.

(10) Equipment certified in Washington and transferred to a site in another state does not require recertification in this state upon its return, until the next inspection or examination becomes due as if it had not been moved.

(11) You must make sure certification procedures ~~((shall not be))~~ are not construed as a substitute for, or cause for elimination of, normal operational inspection and maintenance routine throughout the year.

(12)~~((+))~~ You must make sure every unit of equipment requiring annual certification ~~((shall have))~~ has had such annual certification within the previous twelve months.

(a) Equipment requiring annual certification ~~((shall))~~ must have had such annual certification within the previous twelve months, except that no annual certification is required within twelve months after any required certification. Annual examinations for certification may be accomplished up to one month early without effect on subsequent due dates.

(b) When certified equipment is out of service for six months or more beyond the due date of a certification inspection, an examination equivalent to an initial certification, including unit proof load test, ~~((shall))~~ must be performed before the equipment reenters service.

(13) You must make sure loose gear ~~((shall))~~ bears a legible mark indicating that it has been tested (see WAC 296-56-60097). Single sheave blocks ~~((shall))~~ must be marked with safe working loads and proof test loads. Marks relating to testing ~~((shall))~~ must be identifiable on the related certificates, which ~~((shall))~~ must be available.

(14) The certification requirements of this section do not apply to the following equipment:

(a) Industrial trucks and small industrial crane trucks; and

(b) Any straddle truck not capable of straddling two or more intermodal containers sixteen feet (4.88 m) in width.

(15) You must meet the following requirements for a safe working load(-):

(a) The safe working load of gear as specified in this section ~~((shall))~~ must not be exceeded.

(b) All cargo handling gear provided by the employer with a safe working load greater than five short tons (10,000 lbs. or 4.54 metric tons) ~~((shall))~~ must have its safe working load plainly marked on it.

AMENDATORY SECTION (Amending WSR 85-10-004, filed 4/19/85)

WAC 296-56-60099 Hand tools. (1) You must maintain hand tools used by employees (~~((shall be maintained))~~) in safe operating condition.

(2)~~((a))~~ You must make sure hand-held portable electric tools (~~((shall be))~~) are equipped with switches that must be manually held in a closed position to operate the tool.

~~((b))~~ (a) Portable power-driven circular saws (~~((shall))~~) must be equipped with guards above and below the base plate or shoe.

(b) The upper guard (~~((shall))~~) must cover the saw to the depth of the teeth, except for the minimum arc needed to permit the base to be tilted for bevel cuts.

(c) The lower guard (~~((shall))~~) must cover the saw to the depth of the teeth, except for the minimum arc needed to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard (~~((shall))~~) must automatically and instantly return to the covering position.

(3) You must make sure only cutting tools (~~((shall be))~~) are used to cut metal strapping or banding used to secure cargo.

~~((PART F — SPECIALIZED TERMINALS))~~

NEW SECTION

WAC 296-56-60100 Specialized terminals.

Summary

This section applies to all specialized terminals in your workplace.

Your responsibility: To protect employees from hazards in specialized terminals in your workplace.

You must meet the requirements ...	in this section:
General	WAC 296-56-60101
Terminals handling intermodal containers or roll-on roll-off operations	WAC 296-56-60103
Grain elevator terminals	WAC 296-56-60105
Terminal facilities handling menhaden and similar species of fish	WAC 296-56-60107

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

WAC 296-56-60103 Terminals handling intermodal containers or roll-on roll-off operations. (1) You must make sure every intermodal container (~~((shall be))~~) is legibly and permanently marked with:

- (a) The weight of the container when empty, in pounds;
- (b) The maximum cargo weight the container is designed to carry, in pounds; and
- (c) The sum of the maximum weight of the container with cargo, in pounds (gross container capacity).

(2) You must make sure no container (~~((shall be))~~) is hoisted by any crane or derrick unless the following conditions have been met:

(a) (~~((The employer shall))~~) You must ascertain from the carrier whether a container to be hoisted is loaded or empty. Empty containers (~~((shall))~~) must be identified before loading or discharge in such a manner as will inform every supervisor and foreman on the site and in charge of loading or discharging, and every crane or other hoisting equipment operator and signalman, if any, that the container is empty. Methods of identification may include cargo plans, manifests or markings on the container.

(b) In the case of a loaded container:

(i) The actual gross weight (~~((shall))~~) must be plainly marked so as to be visible to the crane operator, other hoisting equipment operator, signalman, and to every supervisor and foreman on the site and in charge of the operation; or

(ii) The cargo stowage plan or equivalent permanently recorded display serving the same purpose, containing the actual gross weight and the serial number or other positive identification of that specific container, (~~((shall))~~) must be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of the operation.

(c) Every outbound loaded container which is received at a marine terminal ready to load aboard a vessel without further consolidation or loading (~~((shall))~~) must be weighed to obtain the actual gross weight before being hoisted.

(d)~~((i))~~ When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal (~~((shall))~~) must be weighed to obtain an actual weight before being hoisted.

~~((ii))~~ (i) If the terminal has no scales, the actual gross weight may be calculated on the basis of the container's contents and the container's empty weight. The weights used in the calculation (~~((shall))~~) must be posted conspicuously on the container, with the name of the person making the calculation and the date.

~~((iii))~~ (ii) Container weights (~~((shall))~~) must be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights, the weight of containers so calculated at the source from which the inaccurate weights originated (~~((shall))~~) must no longer be recognized as true gross weights. Such containers (~~((shall))~~) must not be hoisted unless actual gross weights have been obtained by weighing.

(e) The following containers are exempted from the requirements of (c) and (d) of this subsection:

(i) Open type vehicle containers.

(ii) The container is marked on the outside in such a manner that an employee can readily discern that the container is carrying vehicles.

(iii) Containers built specifically for the carriage of compressed gases.

(iv) The container carries only completely assembled vehicles and no other cargo.

(v) The vehicles were loaded into the container at the marine terminal.

(f) The weight of loaded inbound containers from foreign ports ~~((shall))~~ must be determined by weighing or by the method of calculation described in (d)(ii) of this subsection or by shipping documents.

(g) Any scale used within Washington state to weigh containers for the purpose of the requirements of this section ~~((shall))~~ must meet the accuracy standards of the state or local public authority in which the scale is located.

(3) You must make sure no container ~~((shall be))~~ is hoisted if its actual gross weight exceeds the weight marked as required in subsection (1)(c) of this section, or if it exceeds the capacity of the crane or other hoisting device intended to be used.

(4)~~((a))~~ You must make sure there are marked or designated areas ~~((shall be))~~ set aside within a container or roll-on roll-off terminal for passage of employees to and from active cargo transfer points, except where you provide transportation to and from those points ~~((is provided by the employer))~~.

~~((b) The employer shall)~~ (a) You must direct employees to stay clear of the area beneath a suspended container.

(b) Employees ~~((shall))~~ must stay clear of the area beneath a suspended container.

(5) You must make sure each employee working in the immediate area of container handling equipment or in the terminal's traffic lanes ~~((shall))~~ wears a high visibility vest (or equivalent protection).

Note to subsection (5): High visibility vests or equivalent protection means high visibility/retroreflective materials which are intended to provide conspicuity of the user by day through the use of high visibility (fluorescent) material and in the dark by vehicle headlights through the use of retroreflective material. The minimum area of material for a vest or equivalent protection is .5m(2)(760 in.(2)) for fluorescent (background) material and .13m(2)(197 in.(2)) for retroreflective material. Vests or equivalent protection, such as high visibility/retro-reflective coveralls, that are available for industrial use, may also be acceptable.

(6) You must make sure containers ~~((shall be))~~ are handled using lifting fittings or other arrangements suitable and intended for the purposes as set forth in (a) and (c) of this subsection, unless when damage to an intermodal container makes special means of handling necessary.

(a) Loaded intermodal containers of twenty feet (6.1 m) or more in length ~~((shall))~~ must be hoisted as follows:

(i) When hoisting by the top fittings, the lifting forces ~~((shall))~~ must be applied vertically from at least four top fittings or by means which will safely lift the container without damage. The lifting fittings provided ~~((shall))~~ must be used.

(A) The container being lifted is an ISO closed box container;

(B) The condition of the box is sound;

(C) The speed of hoisting and lowering is moderated when heavily laden containers are encountered;

(D) The lift angle is at eighty to ninety degrees;

(E) The distance between the lifting beam and the load is at least eight feet and 2.4 inches (2.5 m); and

(F) The length of the spreader beam is at least 16.3 feet (5 m) for a twenty-foot container, and at least 36.4 feet (11.1 m) for a forty-foot container.

(ii) If hoisted from bottom fittings, the hoisting connections ~~((shall))~~ must bear on the fittings only, making no other contact with the container. The angles of the four bridle legs ~~((shall))~~ must not be less than thirty degrees to the horizontal in the case of forty foot (12.2 m) containers, thirty-seven degrees in the case of thirty foot (9.1 m) containers, or forty-five degrees in the case of twenty foot (6.1 m) containers.

(iii) Lifting containers by fork lift trucks or by grappling arms from above or from one side may be done only if the container is designed for this type of handling.

(b) Other means of hoisting may be used only if the containers and hoisting means are designed for such use.

(c)~~((i))~~ When using intermodal container spreaders that employ lanyards for activation of load disengagement, all possible precautions ~~((shall))~~ must be taken to prevent accidental release of the load. ~~((i))~~ Intermodal container spreader twistlock systems ~~((shall))~~ must be designed and used so that a suspended load cannot accidentally be released.

(d) Flat bed trucks or container chassis used to move intermodal containers ~~((shall))~~ must be equipped with pins, flanges, or other means to prevent the container from shifting.

(e) Flat bed, low boy trailers (mafis) and other similar equipment used to transport containers ~~((shall))~~ must be marked with their cargo capacities and ~~((shall))~~ must not be overloaded.

(f) Each tractor ~~((shall))~~ must have all brake air lines connected when pulling trailers equipped with air brakes and ~~((shall))~~ must have the brakes tested before commencing operations.

(7)~~((a))~~ You must inspect intermodal containers ~~((shall be inspected))~~ for defects in structural members or fittings before handling. ~~((b))~~ Any intermodal container found to be unsafe ~~((shall))~~ must be identified as such, promptly removed from service and repaired before being returned to service.

(8) You must make sure containers ~~((shall not be))~~ are not released unless all engaged chassis twist locks are released.

(9) ~~((Vertical tandem lifts.))~~ You must meet the following requirements ~~((apply to))~~ for operations involving the lifting of two or more intermodal containers by the top container ~~((vertical tandem lifts of VTLs))~~, also known as vertical tandem lifts (VTLs).

(a) Each employee involved in VTL operations ~~((shall))~~ must be trained and competent in the safety-related work practices, safety procedures, and other requirements in this section that pertain to their respective job assignments.

(b) No more than two intermodal containers may be lifted in a VTL.

(c) Before the lift begins, ~~((the employer shall))~~ you must ensure that the two containers lifted as part of a VTL are empty.

Note: The lift begins immediately following the end of the prelift required by subsection (9)(c) of this section. Thus, the weight may be determined during the prelift using a load indicating device meeting WAC 296-56-60085 (1)(a) on the crane being used to the lift the VTL.

(d) The lift ~~((shall))~~ must be performed using either a shore-based container gantry crane or another type of crane that:

- (i) Has the precision control necessary to restrain unintended rotation of the containers about any axis;
- (ii) Is capable of handling the load volume and wind sail potential of VTLs; and
- (iii) Is specifically designed to handle containers.
- (e) ~~((The employer shall))~~ You must ensure that the crane operator pauses the lift when the vertically coupled containers have just been lifted above the supporting surface to assure that each interbox connector is properly engaged.
- (f) Containers below deck may not be handled as a VTL.
- (g) VTL operations may not be conducted when the wind speed exceeds the lesser of:
 - (i) Fifty-five km/h (thirty-four mph or thirty knots); or
 - (ii) The crane manufacturer's recommendation for maximum wind speed.
- (h) ~~((The employer shall))~~ You must ensure that each interbox connector used in a VTL operation:
 - (i) Automatically locks into corner castings on containers but only unlocks manually (manual twistlocks or latchlocks are not permitted);
 - (ii) Is designed to indicate whether it is locked or unlocked when fitted into a corner casting;
 - (iii) Locks and releases in an identical direction and manner as all other interbox connectors in the VTL;
 - (iv) Has been tested and certificated by a competent authority of this chapter (for interbox connectors that are a part of a vessel's gear) or WAC 296-56-60093 (for other interbox connectors):
 - (A) As having a load-bearing surface area of eight hundred mm\two\ when connected to a corner casting with an opening that is sixty-five mm wide; and
 - (B) As having a safe working load of ninety-eight kN (ten thousand kg) with a safety factor of five when the load is applied by means of two corner castings with openings that are sixty-five mm wide or equivalent devices;
 - (v) Has a certificate that is available for inspection and that attests that the interbox connector meets the strength criteria given in subsection (9)(h)(iv) of this section; and
 - (vi) Is clearly and durably marked with its safe working load for lifting and an identifying number or mark that will enable it to be associated with its test certificate.
 - (i) Reserved.
 - (j) ~~((The employer shall))~~ You must ensure that each container and interbox connector used in a VTL and each corner casting to which a connector will be coupled is inspected immediately before use in the VTL.
 - (i) Each employee performing the inspection ~~((shall))~~ must be capable of detecting defects or weaknesses and be able to assess their importance in relation to the safety of VTL operations.
 - (ii) The inspection of each interbox connector ~~((shall))~~ must include: A visual examination for obvious structural defects, such as cracks, a check of its physical operation to determine that the lock is fully functional with adequate spring tension on each head; and a check for excessive corrosion and deterioration.
 - (iii) The inspection of each container and each of its corner castings ~~((shall))~~ must include: A visual examination for obvious structural defects, such as cracks, a check for excessive corrosion and deterioration; and a visual examination to

ensure that the opening to which an interbox connector will be connected has not been enlarged, that the welds are in good condition, and that it is free from ice, mud, or other debris.

(iv) ~~((The employer shall))~~ You must establish a system to ensure that each defective or damaged interbox connector is removed from service.

(v) An interbox connector that has been found to be defective or damaged ~~((shall))~~ must be removed from service and may not be used in VTL operations until repaired.

(vi) A container with a corner casting that exhibits any of the problems listed in subsection (9)(j)(iii) of this section may not be lifted in a VTL.

(k) No platform container may be lifted as part of a VTL unit.

(10) You must meet the following requirements for transporting vertically coupled containers(-):

(a) Equipment other than cranes used to transport vertically connected containers ~~((shall))~~ must be either specifically designed for this application or evaluated by a qualified engineer and determined to be capable of operating safely in this mode of operation.

(b) ~~((The employer shall))~~ You must develop, implement, and maintain a written plan for transporting vertically connected containers. The written plan ~~((shall))~~ must establish procedures to ensure safe operating and turning speeds and ~~((shall))~~ must address all conditions in the terminal that could affect the safety of VTL-related operations, including communication and coordination among all employees involved in these operations.

(11) ~~((Safe work zone. The employer shall))~~ You must establish a safe work zone within which employees may not be present when vertically connected containers are in motion.

(a) The safe work zone ~~((shall))~~ must be sufficient to protect employees in the event that a container drops or overturns.

(b) The written transport plan required by subsection (10)(b) of this section ~~((shall))~~ must include the safe work zone and procedures to ensure that employees are not in this zone when a VTL is in motion.

AMENDATORY SECTION (Amending WSR 05-03-093, filed 1/18/05, effective 3/1/05)

WAC 296-56-60107 Terminal facilities handling menhaden and similar species of fish. (1)~~((a))~~ You must make sure tanks in terminal areas used for receiving or storing bailwater for recirculating into vessel holds in discharging operations ~~((shall be))~~ are opened or ventilated to minimize contamination of water circulated to the vessel.

(a) Bailwater tanks ~~((shall))~~ must be thoroughly drained upon completion of each day's operations and ~~((shall))~~ must be left open to the air. Drainage is unnecessary when bailwater has been treated to remove hydrogen sulfide-producing contaminants and the efficiency of such treatment has been established.

(b) Before employees enter a dock tank, it shall first be drained, rinsed and tested for hydrogen sulfide and oxygen deficiency. Employees ~~((shall))~~ must not enter the tank when

the hydrogen sulfide level exceeds twenty ppm or oxygen content is less than nineteen and one-half percent, except in emergencies.

(c) Tests ~~((shall))~~ must be conducted by designated personnel with suitable test equipment and respiratory protective equipment complying with the provisions of this chapter and chapter 296-842 WAC.

(2) You must make sure pipelines and hoses on the dock or terminal used for receiving and circulating used bailwater ~~((shall be))~~ are completely drained upon completion of each day's operation and left open to the air.

(3) You must make sure at least four units of respiratory protective equipment consisting of supplied-air respirators or self-contained breathing apparatus complying with the requirements of chapter 296-842 WAC ~~((shall be))~~ are available in a suitably labeled cabinet for immediate use in case of an emergency caused by oxygen deficiency or hydrogen sulfide. Any employee entering a tank in an emergency ~~((shall))~~ must, in addition to respiratory protective equipment, wear a lifeline and safety harness to facilitate rescue. At least two other employees, similarly equipped, ~~((shall))~~ must be continuously stationed outside the tank to observe and to provide rescue services.

(4) You must make sure the plant superintendent and foremen ~~((shall be))~~ are trained and knowledgeable about the hazards of hydrogen sulfide and oxygen deficiency. They ~~((shall))~~ must be trained in the use of appropriate respiratory and other protective equipment, and in rescue procedures. Other supervisory plant personnel ~~((shall))~~ must be informed of these hazards and instructed in the necessary safety measures, including use of respiratory and rescue equipment.

(5) You must make sure supervisory personnel ~~((shall be))~~ are on hand at dockside to supervise discharging of bailwater from vessels.

~~((PART C — PERSONAL PROTECTION))~~

NEW SECTION

WAC 296-56-60108 Personal protection.

Summary

This section applies to all personal protection equipment in your workplace.

Your responsibility: To protect employees from hazards in your workplace.

You must meet the requirements ...	in this section:
Eye protection	WAC 296-56-60109
Respiratory protection	WAC 296-56-60110
Head protection	WAC 296-56-60111
Foot protection	WAC 296-56-60113
Other protective measures	WAC 296-56-60115
Payment for protective equipment	WAC 296-56-60116
Maintenance and load limits	WAC 296-56-60117
Protection from falling	WAC 296-56-60119

You must meet the requirements ...	in this section:
Minimum safety requirements for docks and dock facilities	WAC 296-56-60121
Access to vessels	WAC 296-56-60122
Guarding of edges	WAC 296-56-60123
Clearance heights	WAC 296-56-60125
Cargo doors	WAC 296-56-60127
Platforms and skids	WAC 296-56-60129
Elevators and escalators	WAC 296-56-60131
Manlifts	WAC 296-56-60133

AMENDATORY SECTION (Amending WSR 10-09-088, filed 4/20/10, effective 6/1/10)

WAC 296-56-60109 Eye protection. (1)~~((a))~~ ~~When employees perform work hazardous to the eyes, the employer shall)~~ You must provide eye protection equipment that complies with ANSI Z87.1, American National Standard Practice for Occupational and Educational Eye and Face Protection, edition 1989, revision 1998, or edition 2003 when employees perform work hazardous to the eyes.

~~((Employers))~~ (a) You may provide alternate eye and face protection if they can demonstrate such devices are at least as effective as those constructed in accordance with one of the above consensus standards.

(b) For employees wearing corrective spectacles, eye protection equipment required by (a) of this subsection ~~((shall))~~ must be of a type which can be worn over spectacles. Prescription ground safety lenses may be substituted if they provide equivalent protection.

(c) For additional requirements covering eye protection against radiant energy, see WAC 296-56-60235(8).

(2) You must maintain eye protection equipment ~~((shall be maintained))~~ in good condition.

(3) You must clean and disinfect used eye protection equipment ~~((shall be cleaned and disinfected))~~ before reissuance to another employee.

AMENDATORY SECTION (Amending WSR 14-03-013, filed 1/7/14, effective 2/10/14)

WAC 296-56-60111 Head protection. (1) You must make sure employees exposed to impact, falling or flying objects, or electric shocks or burns ~~((shall))~~ wear protective hats.

(2) ~~((The employer))~~ You must ensure that all protective helmets comply with any of the following consensus standards:

(**⬤**) (a) ANSI Z89.1-2009, American National Standard for Industrial Head Protection.

(**⬤**) (b) ANSI Z89.1-2003, American National Standard for Industrial Head Protection.

(**⬤**) (c) ANSI Z89.1-1997, American National Standard for Industrial Head Protection.

((~~★~~) ~~(d)~~) ANSI Z89.1-1986, American National Standard for Personnel Protection—Protective Headwear for Industrial Workers—Requirements.

((~~Employers~~) ~~(e)~~) You may use alternate head protection if ~~((they)) you~~ can demonstrate such devices are at least as effective as those constructed in accordance with one of the above consensus standards.

(3) You must clean and disinfect protective hats previously worn ~~((shall be cleaned and disinfected))~~ before issuance by the employer to another employee.

AMENDATORY SECTION (Amending WSR 10-09-088, filed 4/20/10, effective 6/1/10)

WAC 296-56-60113 Foot protection. (1) ~~((The employer shall))~~ You must ensure that each affected employee wears protective footwear when working in areas where there is a danger of foot injuries due to falling or rolling objects or objects piercing the sole.

(2) ~~((The employer))~~ You must ensure that all protective footwear complies with one of the following consensus standards:

((~~★~~) ~~(a)~~) ASTM F-2412-2005, Standard Test Methods for Foot Protection, and ASTM F-2413-2005, Standard Specification for Performance Requirements for Protective Footwear.

((~~★~~) ~~(b)~~) ANSI Z41-1999, American National Standard for Personal Protection—Protective Footwear.

((~~★~~) ~~(c)~~) ANSI Z41-1991, American National Standard for Personal Protection—Protective Footwear.

((~~Employers~~) ~~(d)~~) You may use alternate footwear if ~~((they)) you~~ can demonstrate it is at least as effective as those constructed in accordance with one of the above consensus standards.

(3) ~~((The employer shall,))~~ You must make safety shoes readily available to all employees through means such as vendors or local stores ~~((; make safety shoes readily available to all employees))~~.

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

WAC 296-56-60115 Other protective measures. (1) You must meet the following requirements for protective clothing ~~((;))~~:

(a) Employees performing work that requires special protective clothing ~~((shall))~~ must be directed by the employer to wear the necessary special protective clothing.

(b) When necessary, protective clothing previously worn ~~((shall))~~ must be cleaned and disinfected before reissuance.

(2) You must meet the following requirements for personal flotation devices ~~((;))~~:

(a) ~~((The employer shall))~~ You must provide ~~((;))~~ and ~~((shall))~~ direct the wearing of personal flotation devices for those employees, such as line handlers, who are engaged in work in which they may be pulled into the water:

(i) When such employees are working in isolation: or

(ii) Where physical limitations of available working space creates a hazard of falling into the water; or

(ii) Where the work area is obstructed by cargo or other obstacles so as to prevent employees from obtaining safe footing for their work.

(b) Employees working on, over or along water, where the danger of drowning exists, ~~((shall))~~ must be provided with and ~~((shall))~~ must wear approved personal flotation devices.

(i) Employees are not considered exposed to the danger of drowning when:

(A) Working behind standard height and strength guard-rails;

(B) Working inside operating cabs or stations which eliminate the possibility of accidental falling into the water;

(C) Wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(ii) Prior to and after each use, personal flotation devices ~~((shall))~~ must be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices ~~((shall))~~ must not be used.

(iii) To meet the requirement of (b) of this subsection, a personal flotation device ~~((shall))~~ must be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or equivalent, pursuant to 46 C.F.R. 160 (Coast Guard Lifesaving Equipment Specifications) and 33 C.F.R. 175.23 (Coast Guard Table of Devices Equivalent to Personal Flotation Devices).

(c) You must meet the following requirements for life rings ~~((;))~~:

(i) Along docks, walkways or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with line attached ~~((shall))~~ must be provided. The life rings ~~((shall))~~ must be spaced at intervals not to exceed two hundred feet and ~~((shall))~~ must be kept in easily visible and readily accessible locations.

(ii) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with line attached ~~((shall))~~ must be provided in the immediate vicinity of the work.

(iii) Work assigned over water where the vertical drop from an accidental fall exceeds fifty feet, is subject to specific procedures approved by the department.

(iv) Lines attached to life rings ~~((shall))~~ must be at least ninety feet (27.43 m) in length, at least one-quarter inch in diameter and have a minimum breaking strength of five hundred pounds.

(v) Life rings must be United States Coast Guard approved thirty inch size (76.2 cm).

(vi) Life rings and attached lines must be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(3) ~~((Emergency facilities;))~~ You must provide emergency facilities and maintain them in good working order when employees are exposed to hazardous substances which may require emergency bathing, eye washing or other facilities ~~((; the employer shall provide such facilities and maintain them in good working order))~~.

(4) ~~((Employers shall))~~ You must instruct employees to report every injury, regardless of severity, to ~~((the employer))~~ you.

(5) You must meet the following requirements for stretchers:(-):

(a) There ~~((shall))~~ must be available for each vessel being worked one Stokes basket stretcher, or its equivalent, permanently equipped with bridles for attaching to the hoisting gear.

(b) Stretchers ~~((shall))~~ must be kept close to vessels and ~~((shall))~~ must be positioned to avoid damage to the stretcher.

(c) A blanket or other suitable covering ~~((shall))~~ must be available.

(d) Stretchers ~~((shall))~~ must have at least four sets of effective patient restraints in operable condition.

(e) Lifting bridles ~~((shall))~~ must be of adequate strength, capable of lifting 1,000 pounds (454 kg) with a safety factor of five, and ~~((shall))~~ must be maintained in operable condition. Lifting bridles ~~((shall))~~ must be provided for making vertical patient lifts at container berths. Stretchers for vertical lifts ~~((shall))~~ must have foot plates.

(f) Stretchers ~~((shall))~~ must be maintained in operable condition. Struts and braces ~~((shall))~~ must be inspected for damage. Wire mesh ~~((shall))~~ must be secured and have no burrs. Damaged stretchers ~~((shall))~~ must not be used until repaired.

(g) Stretchers in permanent locations ~~((shall))~~ must be mounted to prevent damage and ~~((shall))~~ must be protected from the elements if located out-of-doors. If concealed from view, closures ~~((shall))~~ must be marked to indicate the location of the ~~((life-saving))~~ lifesaving equipment.

(6) You must make sure telephone or equivalent means of communication ~~((shall be))~~ are readily available.

(7) You must make sure employees working on any bridge or structure leading to a detached vessel berthing installation ~~((shall))~~ must wear United States Coast Guard approved personal flotation devices except where protected by railings, nets, or safety belts and lifelines.

(8) ~~((Life ladders.))~~ You must make sure on all docks there ~~((shall be))~~ are substantial built-in-place ladders, spaced at intervals not to exceed four hundred feet, to reach the lowest water use. When portable ladders are to be used, ladders may be bolted to the bullrail or dock structure, or ladders can be secured to an embedded eye bolt in a concrete dock surface. The immediate area where such ladders or fastenings are located ~~((shall))~~ must be painted with a bright color or of a color which contrasts with the surrounding area. There ~~((shall))~~ must be a ladder at each end of the dock.

AMENDATORY SECTION (Amending WSR 09-05-071, filed 2/17/09, effective 4/1/09)

WAC 296-56-60116 Payment for protective equipment. (1) ~~((Except as provided by subsections (2) through (6) of this section.))~~ You must provide the protective equipment, including personal protective equipment (PPE), used to comply with this part, ~~((shall be provided by the employer))~~ at no cost to your employees, except at provided by subsections (2) through (6) of this section.

(2) ~~((The employer is))~~ You are not required to pay for nonspecialty safety-toe protective footwear (including steel-toe shoes or steel-toe boots) and nonspecialty prescription

safety eyewear, provided that ~~((the employer permits))~~ you permit such items to be worn off the job site.

(3) ~~((When the employer provides metatarsal guards and allows the employee, at his or her request, to use shoes or boots with built-in metatarsal protection, the employer is))~~ You are not required to reimburse the employee for ~~((the))~~ shoes or boots when you provide metatarsal guards and allow the employee, at their request, to use shoes or boots with built-in metatarsal protection.

(4) ~~((The employer is))~~ You are not required to pay for:

(a) Everyday clothing, such as long-sleeve shirts, long pants, street shoes, and normal work boots; or

(b) Ordinary clothing, skin creams, or other items, used solely for protection from the weather, such as winter coats, jackets, gloves, parkas, rubber boots, hats, raincoats, ordinary sunglasses, and sunscreen.

(5) ~~((The employer))~~ You must pay for replacement PPE, except when the employee has lost or intentionally damaged the PPE.

(6) ~~((Where an employee provides adequate protective equipment he or she owns, the employer may allow the employee to use it and is not required to reimburse the employee for that equipment. The employer shall))~~ You may allow the employee to use protective equipment that they own if it is adequate, and you are not required to reimburse the employee for that equipment. You must not require an employee to provide or pay for ((his or her)) their own PPE, unless the PPE is excepted by subsections (2) through (6) of this section.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60117 Maintenance and load limits. (1) You must maintain the structural integrity of docks, piers, wharves, terminals and working surfaces ~~((shall be maintained)).~~

(2) You must conspicuously post maximum safe load limits, in pounds per square foot (kilograms per square meter), of floors elevated above ground level, and pier structures over the water ~~((shall be conspicuously posted))~~ in all cargo areas.

Exception: Pier structures used primarily for vehicle traffic may be posted in maximum pounds per axle weight.

(3) You must make sure maximum safe load limits ~~((shall not be))~~ are not exceeded.

(4) You must maintain all walking and working surfaces in the terminal area ~~((shall be maintained))~~ in good repair.

(5) You must secure all steel plates, boards, etc., used to temporarily cover small holes or weakened surfaces ~~((shall be secured))~~ in such a manner as to prevent movement.

(6) You must barricade all large openings or weakened surfaces ~~((shall be barricaded))~~ on all exposed sides with barricades equipped with blinkers, flashing lights, or reflectors.

(7) You must light areas around bitts or cleats where workers perform their duties ~~((shall be lighted))~~ as required in this section and have a nonslip surface around each bitt or cleat.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60119 Protection from falling. You must make sure employees doing maintenance work on cranes, spouts or similar types of equipment, eight feet or more above the ground or surface and not in an area that is protected by any standard safeguards such as walkways with standard railings, or ladders with protective cages, ~~((shall))~~ wear a safety belt and lanyard which can be attached to the structure.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60121 Minimum safety requirements for docks and dock facilities.

Important: No provision of this section shall be construed to imply that an employer or employees are responsible for repair, construction or otherwise bringing into compliance facilities over which they have no control.

(1) ~~((Working prohibited on unsafe docks or dock facilities. Employers shall))~~ You must not allow employees to perform work on docks or dock facilities which ~~((the employer))~~ you should know do not meet the minimum safety requirements of this section.

(2) ~~((Known unsafe conditions by employees.))~~ Employees ~~((shall))~~ must not work on docks or dock facilities which they should know do not meet the minimum safety requirements of this section.

(3) ~~((Bulletin boards.))~~ You must install a safety bulletin board at each dock, pier, warehouse or designated area at the job site ~~((, there shall be installed a safety bulletin board)).~~

(4) ~~((Posting of notices. It shall be the responsibility of the employer to))~~ You must post at prominent places in or adjacent to the work area, legible notices stating:

(a) The location of stretchers, blankets, first-aid equipment and telephones. (Where possible, directional arrows should point to locations.)

(b) The phone numbers of doctors, ambulance services and hospitals within the area and the phone numbers of the police department or other law enforcement agency. (Where possible these numbers ~~((shall))~~ must also be posted on or inside the cover of first-aid cabinets and kits.)

(5) ~~((Ventilation.))~~ You must ventilate all areas where employees are required to work ~~((shall be ventilated))~~ as required by the "general occupational health standards," chapter 296-62 WAC.

(6) ~~((Power outlets.))~~ You must locate power outlets installed to supply power to vessels ~~((shall be located))~~ in such a manner that the workers will not come into contact with supply lines. Unprotected power lines ~~((shall))~~ must not be driven over by equipment. If located on the underside or waterside of the bull rail, a well lighted walkway with hand rails ~~((shall))~~ must be provided to the power outlets.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60122 Access to vessels. (1) ~~((Access to vessels. The employer shall))~~ You must not permit employ-

ees to board or leave any vessel, except a barge or river tow-boat, until the following requirements have been met:

(a) Whenever practical a gangway of not less than twenty inches wide walking surface of adequate strength, maintained and secured ~~((shall))~~ must be used. If a gangway is not practical a substantial straight ladder, extending at least thirty-six inches above the upper landing surface and adequately secured against shifting or slipping ~~((shall))~~ must be provided. When conditions are such that neither a gangway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(b) Each side of such gangway, and the turn table if used, ~~((shall))~~ must have a railing with a minimum height of thirty-three inches measured perpendicularly from rail to walking surface at the stanchion ~~((s))~~ and a mid rail. Rails ~~((shall))~~ must be of wood, pipe, chain, wire or rope and ~~((shall))~~ must be kept taut at all times.

(c) Gangways on vessels inspected and certified by the United States Coast Guard are deemed to meet the foregoing requirements, except in cases where the vessel's regular gangway is not being used.

(d) The gangway ~~((shall))~~ must be kept properly trimmed at all times.

(e) When a fixed tread accommodation ladder is used, and the angle is low enough to require employees to walk on the edge of the treads, cleated duckboards ~~((shall))~~ must be laid over and secured to the ladder.

(f) When the lower end of a gangway overhangs the water between the ship and the dock in such a manner that there is danger of employees falling between the ship and the dock, a net or other suitable protection ~~((shall))~~ must be rigged at the foot of the gangway in such a manner as to prevent employees from falling from the end of the gangway into the water or into the surface.

(g) If the foot of the gangway is more than one foot away from the edge of the apron, the space between them ~~((shall))~~ must be bridged by a firm walkway equipped with railings, with a minimum height of thirty-three inches with midrails on both sides.

(h) Supporting bridles ~~((shall))~~ must be kept clear so as to permit unobstructed passage for employees using the gangway.

(i) When the upper end of the means of access rests on or flush with the top of the bulwark, substantial steps properly secured and equipped with at least one substantial handrail approximately thirty-three inches in height ~~((shall))~~ must be provided between the top of the bulwark and the deck.

(j) Obstructions ~~((shall))~~ must not be laid on or across the gangway.

(k) The means of access ~~((shall))~~ must be illuminated for its full length.

(l) Unless construction of the vessel makes it impossible, the means of access ~~((shall))~~ must be so located that drafts of cargo do not pass over it. Loads ~~((shall))~~ must not be passed over the means of access while employees are on it.

(2) ~~((Access to vessels in drydock or between vessels.))~~ You must make sure gangways meeting the requirements of subsection (1)(a), (b), (i), (j) and (k) of this section ~~((shall be))~~ are provided for access from wingwall to vessel or, when

two or more vessels other than barges or river towboats are lying abreast, from one vessel to another.

(3) You must meet the following requirements for access to barges and river towboats(-):

(a) Ramps for access of vehicles to or between barges ~~((shall))~~ must be of adequate strength, provided with side boards, well maintained and properly secured.

(b) Unless employees can step safely to or from the wharf, float, barge, or river towboat, a ramp meeting the requirements of subsection (1)(a) of this section ~~((shall))~~ must be provided. When a walkway is impractical, a substantial straight ladder, extending at least thirty-six inches above the upper landing surface and adequately secured against shifting or slipping, ~~((shall))~~ must be provided. When conditions are such that neither a walkway nor a straight ladder can be used, a Jacob's ladder meeting the requirements of subsection (4) of this section may be used.

(c) The means of access ~~((shall))~~ must meet the requirements of subsection (1)(i), (j), and (k) of this section.

(4) Jacob's ladders.

(a) Jacob's ladders ~~((shall))~~ must be of the double rung or flat tread type. They ~~((shall))~~ must be well maintained and properly secured.

(b) A Jacob's ladder ~~((shall))~~ must either hang without slack from its lashings or be pulled up entirely.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60123 Guarding of edges. (1) You must meet the following requirements for vehicle protection(-):

(a) Vehicle curbs, bull rails, or other effective barriers at least six inches (15.24 cm) in height and six inches in width, ~~((shall))~~ must be provided at the waterside edges of aprons and bulkheads, except where vehicles are prohibited. Curbs or bull rails installed after January 1, 1985, ~~((shall))~~ must be at least ten inches (22.9 cm) in height.

(b) The provisions of (a) of this subsection also apply at the edge of any fixed level above the common floor area from which vehicles may fall, except at loading docks, platforms and skids where cargo is moved by vehicles.

(2) You must meet the following requirements for employee protection(-):

(a) Guardrails ~~((shall))~~ must be provided at locations where employees are exposed to falls of more than four feet from floor or wall openings or waterside edges, including bridges or gangway-like structures leading to pilings, vessel mooring or berthing installations.

(b) Guardrails are not required:

(i) At loading platforms and docks;

(ii) At waterside edges used for cargo or mooring line handling;

(iii) On the working sides of work platforms, skids, or similar workplaces which abut the work area; or

(iv) On railroad rolling stock, highway vehicles, intermodal containers, or similar equipment.

(c) Where guardrails are impractical due to machinery requirements or work processes, an alternate means of fall protection, such as nets, ~~((shall))~~ must be used.

(3) ~~((Criteria for guardrails.))~~ You must make sure guardrails ~~((shall))~~ meet the following criteria:

(a) ~~((They shall))~~ Guardrails must be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction at mid-span of the top rail (when used), or at the uppermost point if there is no guard rail.

(b) If not of solid baluster, grillwork, slatted, or similar construction, guardrails ~~((shall))~~ must consist of top rails and midrails. Midrails, when used, ~~((shall))~~ must be positioned at approximately half the height of the top rail.

(c) The top surface of guardrails installed before October 3, 1983, ~~((shall))~~ must be at least thirty-six inches (.91 m) high. Those installed after October 3, 1983, ~~((shall))~~ must be forty-two inches (1.07 m) high, plus or minus two inches (5.1 cm), high.

(d) Any nonrigid railing such as chain or wire rope ~~((shall))~~ must have a maximum sag, at the mid-point between posts, of not more than six inches (15.24 cm).

(e) Top rails ~~((shall))~~ must be free of sharp edges and maintained in good repair.

(f) Rail ends ~~((shall))~~ must not overhang. This does not prohibit scrollwork, boxed ends or similar nonhazardous projections.

(4) ~~((Toeboards.))~~ You must provide toeboards ~~((shall be provided))~~ when employees below could be exposed to falling objects such as tools. Toeboards ~~((shall))~~ must be at least three and one-half inches (8.9 cm) in height from top edge to floor level, and be capable of withstanding a force of fifty pounds (222 N) applied in any direction. Drainage clearance not in excess of one-eighth inch under toeboards is permitted.

(5) ~~((Stair railings.))~~ Stair railings ~~((shall))~~ must be capable of withstanding a force of at least two hundred pounds (890 N) applied in any direction, and ~~((shall))~~ must not be more than thirty-six inches (0.91 m) nor less than thirty-two inches (0.81 m) in height from the upper top rail surface to the tread surface in line with the leading edge of the tread. Railings and midrails ~~((shall))~~ must be provided at any stairway having four or more risers, as follows:

(a) For stairways less than forty-four inches (1.12 m) wide, at least one railing; and

(b) For stairways more than forty-four inches (1.12 m) but less than eighty-eight inches (2.24 m) wide, a stair rail or handrail on each side, and if eighty-eight or more inches wide, an additional intermediate handrail.

(6) ~~((Condition. Railings shall be maintained free of sharp edges and in good repair.))~~ You must maintain railings in good repair and free of sharp edges.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60125 Clearance heights. You must prominently post clearance heights ~~((shall be prominently posted))~~ where the height is insufficient for vehicles or equipment.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60127 Cargo doors. (1) You must meet the following requirements for mechanically operated cargo doors(-):

(a) You must guard cargo door counterweights (~~(shall be guarded)~~).

(b) Lift trucks and cranes (~~(shall)~~) must not be used to move mechanically operated doors except when necessary during repair to the doors. Ropes or other guarding (~~(shall)~~) must be provided to prevent entry into any area if the door may fall or slide.

(c) Vertically operated doors partially opened for work or ventilation (~~(shall)~~) must be secured to prevent accidental closing.

(2) You must meet the following requirements for tackle operated cargo doors(-):

(a) (~~(Doors shall be connected)~~) You must connect doors to their lifting tackle with shackles or other secure means.

(b) Lifting bridles and tackles (~~(shall)~~) must have a safety factor of five, based upon maximum anticipated static loading conditions.

(c) Devices (~~(shall)~~) must be provided to hold overhead doors in the open position and to secure them when closed.

(d) Lifting gear and hardware (~~(shall)~~) must be maintained in safe condition.

(e) Lifting ropes (~~(shall)~~) must be placed out of the work area and off the floor.

(3) You must meet the following requirements for horizontal sliding(-):

(a) Horizontal sliding door rollers (~~(shall)~~) must be constructed to prevent the door from disengaging from overhead tracks.

(b) Sliding doors (~~(shall)~~) must be secured to prevent them from swinging.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60129 Platforms and skids. (1) You must provide guardrails meeting the requirements of WAC 296-56-60123(3) on all open sides of platforms and skids extending from piers, transit sheds or lofts and used for landing or hooking drafts (~~(shall be provided with guardrails meeting the requirements of WAC 296-56-60123(3) on all open sides)~~). Alternate means, such as nets or safety belts and lifelines, may be used if guardrails are impractical.

(2) You must protect any employee working below a second-story platform or skid (~~(shall be protected)~~) from falling objects.

(3) You must make sure platforms and skids (~~(shall be)~~) are strong enough to bear the loads handled and (~~(shall be)~~) are maintained in safe condition. Safe working loads, which (~~(shall)~~) must be posted or marked on or adjacent to platforms and skids, (~~(shall)~~) must have a minimum safety factor of five for all parts, based upon maximum anticipated static loading conditions and the ultimate strength of the construction material.

(4) (~~(The employer shall)~~) You must provide and maintain platform and skid attachments that will prevent accidental movement of the skid or platform.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

WAC 296-56-60131 Elevators and escalators. (1) (~~("Elevator" means a permanent hoisting and lowering mechanism with a car or platform moving vertically in guides and serving two or more floors of a structure. The term excludes such devices as conveyors, tiering or piling machines, material hoists, skip or furnace hoists, wharf ramps, lift bridges, ear lifts, and dumpers.~~)

(2) ~~"Escalator" means a power-driven continuous moving stairway principally intended for the use of persons.~~

(3) ~~No~~) You must prohibit an elevator or escalator with a defect which affects safety (~~(shall be)~~) from being used.

(4) (2) You must make sure elevator safety devices shall not be overridden or made inoperable.

(5) (3) You must thoroughly inspect elevators and escalators (~~(shall be thoroughly inspected)~~) at intervals not exceeding one year. Additional monthly inspections for satisfactory operation (~~(shall)~~) must be conducted by designated persons. Records of the results of the latest annual elevator inspections (~~(shall)~~) must be posted in elevators. Records of annual escalator inspections (~~(shall)~~) must be posted in the vicinity of the escalator or be available at the terminal.

(6) (4) You must make sure elevator landing openings (~~(shall be)~~) are provided with doors, gates, or equivalent protection, which (~~(shall)~~) must be in place when the elevator is not at that landing, to prevent employees from falling into the shaft.

(7) (5) You must post and make sure the elevator or escalator maximum load limits (~~(shall be posted and shall not be)~~) are not exceeded. Elevator load limits (~~(shall)~~) must be posted conspicuously both inside and outside of the car.

(8) (6) You must make sure elevators (~~(shall be)~~) are operated only by designated persons except for automatic or door interlocking elevators which provide full shaft door closing and automatic car leveling.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60133 Manlifts. (1) (~~(Inspection-)~~) You must inspect manlifts (~~(shall be inspected)~~) monthly by a designated person. Safety switches (~~(shall)~~) must be checked weekly. Manlifts found to be unsafe (~~(shall)~~) must not be operated until repaired. Inspections (~~(shall)~~) must include at least the following:

- (a) Step fastenings;
- (b) Rails;
- (c) Rail supports and fastenings;
- (d) Roller and slides;
- (e) Belt and belt tension;
- (f) Handholds and fastenings;
- (g) Floor landings;
- (h) Guardrails;
- (i) Lubrication;
- (j) Safety switches;

- (k) Warning signs and lights;
 - (l) Illumination;
 - (m) Drive pulley;
 - (n) Bottom (boot) pulley and clearance;
 - (o) Pulley supports;
 - (p) Motor;
 - (q) Drive mechanism;
 - (r) Brake;
 - (s) Electrical switches;
 - (t) Vibration and misalignment;
 - (u) "Skip" on up or down run when mounting the step (indicating worn gears); and
 - (v) Emergency exit ladders.
- (2) ~~((Inspection records.))~~ You must keep inspection records ((shall be kept)) for at least one year. The record of the most recent inspection ((shall)) must be posted in the vicinity of the manlift or in the terminal.
- (3) ~~((Emergency stop.))~~ You must make sure an emergency stop device ((shall be)) is available within easy reach from any position on the belt.
- (4) ~~((Instructions.))~~ You must conspicuously post manlift use instructions ((shall be conspicuously posted)).
- (5) ~~((Top floor warning sign and light.))~~ You must provide an illuminated sign and red light that are visible to the user ((shall be provided)) under the top floor opening of the manlift to warn the user to get off at that floor.
- (6) ~~((Bottom floor warning sign.))~~ You must provide a sign visible to descending passengers ((shall be provided)) to warn them to get off at the bottom floor.
- (7) ~~((Upper limit stop.))~~ You must provide an automatic stop device ((shall be provided)) to stop the manlift when a loaded step passes the top landing, except that manlifts installed after October 3, 1983, ((shall)) must have two such devices.
- (8) ~~((Handholds and steps.))~~ You must provide each step ((shall be provided)) with a corresponding handhold.
- (9) ~~((Emergency ladder.))~~ You must provide a fixed emergency ladder accessible from any position on the lift and meeting the requirements of WAC 296-56-60209 ((shall be provided)) for the entire run of the manlift.
- (10) You must meet the following requirements for landings((-):
- (a) Clear and unobstructed landing spaces ((shall)) must be provided at each level. Manlifts constructed after October 3, 1983, that have a distance of fifty feet (15.24 m) or more between floor landings ((shall)) must have an emergency landing every twenty-five feet (7.62 m) or less of manlift travel.
 - (b) Open sides of emergency landings ((shall)) must be protected by guardrails.
 - (c) Floor landing entrances and exits ((shall)) must be guarded by mazes, self-closing gates, or equivalent protection.
 - (d) Landings ((shall)) must be of sufficient size and strength to support two hundred fifty pounds (1112 N).
- (11) ~~((Floor opening guards.))~~ You must provide the ascending sides of manlift floor openings ((shall be provided)) with cones or bevel guards to direct the user through the openings.

(12) ~~((Maintenance.))~~ You must equip, maintain, and use manlifts ((shall be equipped, maintained, and used)) in accordance with the manufacturer's specifications, which ((shall)) must be available at the terminal.

(13) You must meet the following requirements for bottom pulleys((-):

(a) The lower pulley ((shall)) must be supported by the lowest landing.

(b) Sides of the bottom pulley support ((shall)) must be guarded to prevent contact with the pulley or the steps.

(14) ~~((Top clearance.))~~ You must provide a clearance of at least eleven feet (3.35 m) ((shall be provided)) between the top landing and the ceiling.

(15) ~~((Brakes.))~~ You must equip manlifts ((shall be equipped)) with brakes that are:

- (a) Self-engaging;
- (b) Electrically released; and
- (c) Capable of stopping and holding the manlift when the descending side is loaded with the maximum rated load.

~~((PART II MANLIFTS—ELECTRIC))~~

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60135 Manlifts—Electric.

Summary

This section applies to all electric manlifts in your workplace.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Manlifts—Electric</u>	<u>WAC 296-56-60135</u>
<u>Hoistway enclosures and landings</u>	<u>WAC 296-56-60139</u>
<u>Scope and application</u>	<u>WAC 296-56-60141</u>
<u>Hoistway gates</u>	<u>WAC 296-56-60143</u>
<u>Elevator car</u>	<u>WAC 296-56-60145</u>
<u>Elevator doors</u>	<u>WAC 296-56-60147</u>
<u>Counterweight, enclosures, and fastenings</u>	<u>WAC 296-56-60149</u>
<u>Guide rails</u>	<u>WAC 296-56-60151</u>
<u>Hoisting ropes</u>	<u>WAC 296-56-60153</u>
<u>Space under hoistway</u>	<u>WAC 296-56-60155</u>
<u>Car safeties</u>	<u>WAC 296-56-60157</u>
<u>Brakes</u>	<u>WAC 296-56-60159</u>
<u>Car controls and safety devices</u>	<u>WAC 296-56-60161</u>
<u>Hoisting machine mechanisms</u>	<u>WAC 296-56-60167</u>
<u>Elevator car and counterweight buffers</u>	<u>WAC 296-56-60169</u>
<u>General requirements</u>	<u>WAC 296-56-60171</u>

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60139 Hoistway enclosures and landings. You must fully enclose hoistways (~~((shall be fully enclosed,))~~) or make sure they are enclosed on all landings to a height of six feet above the landing floor or six feet above highest working level or stair level adjacent to the hoistway. Perforated hoistway enclosures can be used where fire resistance is not required, provided:

(1) Steel wire grill or expanded metal grill (~~((shall))~~) must be at least thirteen U.S. gauge steel wire.

(2) Openings in the enclosure (~~((shall))~~) must reject a one inch steel ball.

(3) All hoistway landings (~~((shall))~~) must be properly and adequately lighted.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60143 Hoistway gates. (1) You may construct hoistway gates (~~((may be constructed))~~) of wood slat, steel wire grill, expanded metal or solid material, providing all openings reject a two inch ball and resist a two hundred fifty pound horizontal thrust.

(a) Steel wire and expanded metal gates (~~((shall))~~) must be of at least thirteen gauge steel.

(b) Wood slats must be not less than two inches wide and one-half inch thick, nominal size.

(c) Solid material (~~((shall))~~) must be not less than one-eighth inch reinforced sheet steel or one-half inch plywood.

(2) You may have hoistway gates (~~((may))~~) be horizontal swinging, vertical or horizontal sliding or biparting gates.

(a) Hoistway gates (~~((shall))~~) must extend the full width of the elevator car and from one inch above the landing floor to six feet or more above the floor.

(b) Horizontal swinging gates (~~((shall))~~) must be prevented from swinging into hoistway.

(3) You must equip gates (~~((shall be equipped))~~) with interlocks or mechanical locks and electric contacts designed so that hoistway gates cannot be opened when the car is away from the landing.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60145 Elevator car. (1) You must fully enclose elevator cars (~~((shall be fully enclosed))~~) to car height or to a height of not less than six feet six inches whichever is greater. Elevator cars may be of perforated or solid material provided the material will withstand a horizontal thrust of seventy-five pounds without deflecting one-quarter inch and all openings will reject a one inch ball.

(a) Car frames (~~((shall))~~) must be of substantial metal or wood construction with a safety factor of four for metal frames and six for wood frames.

(b) Wood frames (~~((shall))~~) must be gusseted and bolted or otherwise secured with large washers and lock washers.

(c) The car platform (~~((shall))~~) must not exceed thirty inches inside dimension on each side (6.25 square foot area).

(2) Every car (~~((shall))~~) must have a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge expanded metal, fourteen gauge sheet steel, or three-quarter inch or heavier plywood. If made of wire screen or metal, the openings shall reject a one-half inch diameter ball.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60147 Elevator doors. You must provide elevator car doors (~~((shall be provided))~~) on all elevators, except on fully enclosed hoistways equipped with hoistway gates and enclosed from the top of the hoistway opening to the ceiling on the landing side.

(1) Car doors may be of solid or perforated construction and (~~((shall))~~) must be capable of resisting a seventy-five pound thrust without deflecting one-quarter inch.

(2) Car doors may be biparting or otherwise horizontally swung provided the door swings within the elevator car.

(3) A positive locking latch device which resists a two hundred fifty pound thrust (~~((shall))~~) must be provided.

(4) Interlocks or mechanical locks and electric contacts must be provided on cars operating in open hoistways.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60149 Counterweight, enclosures, and fastenings. You must fully enclose all counterweights (~~((shall be fully enclosed))~~) for their full length of travel except in closed hoistways where counterweight guide rails have been provided.

(1) Counterweight enclosures (~~((shall))~~) must provide an inspection opening in the bottom of the enclosure large enough to provide for the inspection of cable fastenings, counterweight and buffer. Counterweights of rectangular shape (~~((shall))~~) must be secured by not less than two one-half inch mild steel bolts with locknuts. Round counterweights (~~((shall))~~) must be fastened with a center bolt not less than three-quarter inch diameter and secured with a locknut.

(2) Bolt eyes (~~((shall))~~) must be welded closed.

(3) Cable fastenings (~~((shall))~~) must be not less than three U-shaped clamps with U's on the dead side of the rope or bab-bitted tapered elevator sockets.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60151 Guide rails. You must provide a minimum of two car guide rails (~~((shall be provided))~~). They (~~((shall))~~) must:

(1) Extend at least six inches beyond the maximum travel of the car with buffers compressed.

(2) Be securely fastened to a vertical supporting member for the full length of elevator travel.

(3) Be not less than one and one-half inch by one and one-half inch vertical grain fir or equivalent, one-quarter inch by two inch by two inch angle iron or equivalent.

(4) Not vary more than three-sixteenths inch thickness on brake surfaces for wood guide rails.

(5) Be secured to resist more than one-half inch total deflection on car safety application and resist a two hundred fifty pound horizontal thrust.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60153 Hoisting ropes. You must make sure hoisting ropes ~~((shall be))~~ are of good grade elevator traction wire rope and ~~((shall))~~ must:

(1) Be at least two ropes of not less than three-eighths inch diameter providing a safety factor of five.

(2) Be fastened by at least three U-type cable clamps with the U on the dead return end of the rope or by approved elevator sockets of the babbitted type.

(3) Be of such length that the car platform will not be more than six inches above the top landing when the counterweight buffer is fully compressed. The counterweight ~~((shall))~~ must be six inches or more away from the counterbalance sheave when the car buffer is fully compressed.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60155 Space under hoistway. You must make sure there ~~((shall be))~~ is no habitable space below the elevator hoistway and counterweight shaft unless the floor is designed to withstand an impact one hundred twenty-five percent greater than the impact generated by a free fall of either the car or counterweight from the full height of the hoistway.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60157 Car safeties. You must equip all cars suspended or operated from overhead machinery ~~((shall be equipped))~~ with an approved car safety capable of stopping and holding the car with rated load.

(1) Car safeties ~~((shall))~~ must operate mechanically and be independent of interruption of any electrical circuit.

(2) Car safeties and governor controlled safeties ~~((shall))~~ must automatically operate and the control circuit ~~((shall))~~ must be broken in the event of cable breakage.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60159 Brakes. You must equip all elevators ~~((shall be equipped))~~ with brakes designed to engage mechanically and release electrically.

(1) Brakes ~~((shall))~~ must be located on the final drive of all elevator machines.

(2) The brake actuating circuit ~~((shall))~~ must be so designed that interruption of power by slack cable switch, control switch, and limit switches actuate the brake.

(3) The brakes ~~((shall))~~ must actuate under short circuit, phase failure, or reverse phase conditions.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60161 Car controls and safety devices.

(1) You must make sure car controls ~~((may be))~~ are of automatic pushbutton, constant pressure pushbutton or momentary pushbutton types. Hand rope and car switch controls ~~((shall))~~ must not be used.

(2) You must install manually operated emergency stop switches ~~((shall be installed))~~ in all cars not equipped with constant pressure pushbutton controls. The switch ~~((shall))~~ must be clearly marked "emergency stop."

(3) You must make sure terminal limiting devices ~~((shall))~~ operate independently of the car controls and automatically stop the car at the top and bottom terminal landings.

(4) You must equip all winding drum machine type elevators ~~((shall be equipped))~~ with top and bottom final limit switches.

(5) You must require a slack rope device of manual reset design ~~((shall be required))~~ on all winding drum type machines. The device ~~((shall))~~ must be designed to deenergize the circuit to the drive motor and brake.

(6) You must equip all installations ~~((shall be equipped))~~ with an overspeed governor. This governor ~~((shall))~~ must be set not to exceed one hundred seventy-five feet per minute and ~~((shall))~~ must be designed to ~~((de-energize))~~ deenergize the brake control and motor drive circuits simultaneously with the activation of the car safety mechanism. Car speeds for these types of installations ~~((shall))~~ must not exceed a speed of one hundred twenty-five feet per minute.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60167 Hoisting machine mechanisms.

(1) You must make sure elevator machines ~~((shall be))~~ are driven by approved type units.

(a) On direct drive or approved worm gear driven type, a mechanically actuated, electrically released brake ~~((shall))~~ must be installed on the driving unit.

(b) On V belt driven types, a minimum of four belts, one-half inch minimum size, ~~((shall))~~ must be used to transmit power from the motor to the drive shaft and a mechanically actuated, electrically released brake ~~((shall))~~ must be installed on the final drive shaft.

(2) You must install elevator machines on the top side of their supporting structure, wherever practical ~~((elevator machines shall be installed on the top side of their supporting structure))~~.

(3) You must make sure all components of the driving mechanism and parts subject to stress involved in suspending the load or related equipment ~~((shall be))~~ are designed to withstand eight times the total weight to be suspended, including load, counterweight, car and cables.

(4) You must make sure gears ~~((shall be))~~ are made of steel or equivalent material. Cast iron gears are prohibited.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60169 Elevator car and counterweight buffers. (1) You must provide elevator cars (~~((shall be provided))~~) with adequate car buffers.

(2) You must provide all elevators using a counterweight (~~((shall be provided))~~) with adequate counterweight buffers.

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

WAC 296-56-60171 General requirements. (1) You must provide adequate lighting (~~((shall be provided))~~) at each landing and in the shaftway.

(2) You must conspicuously post a sign within the car bearing the following information (~~((shall be conspicuously posted within the car))~~):

- (a) Maximum capacity one person;
- (b) Total load limit in pounds;
- (c) For authorized personnel use only.

(3) You must make a fire extinguisher in proper working condition (~~((shall be))~~) available in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

~~((PART I — MANLIFTS — HAND POWER))~~

NEW SECTION

WAC 296-56-60179 Manlifts—Hand power. Summary

This section applies to the installation, design, and use of all one-man capacity, hand power counterweighted elevators subject to inspection under RCW 49.17.120.

Your responsibility: To protect workers from hazards associated with hand power manlifts in your workplace.

You must meet the requirements ...	in this section:
Scope and application	WAC 296-56-60180
Hoistway landings	WAC 296-56-60183
Hoistway clearances	WAC 296-56-60185
Habitable space under hoistways	WAC 296-56-60187
Hoistway guide rails	WAC 296-56-60189
Buffer springs and over-travel of car	WAC 296-56-60191
Car specifications	WAC 296-56-60193
Counterweights	WAC 296-56-60195
Sheaves	WAC 296-56-60197
Hoisting ropes	WAC 296-56-60199
Operating rope	WAC 296-56-60201
Lighting	WAC 296-56-60203
Overhead supports	WAC 296-56-60205
General requirements	WAC 296-56-60207

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60183 Hoistway landings. (1) You must protect every hoistway landing (~~((shall be protected))~~) on all sides other than the landing opening side with a standard guard rail and intermediate guard rail. All landings except the bottom landing (~~((shall))~~) must have a toe board installed on all sides except the landing opening side.

(2) You must make sure all hoistway entrances (~~((shall be))~~) are not less than six feet six inches in height and in no case shall the width exceed the corresponding car dimensions.

(3) You must provide all hoistway entrances (~~((must be provided))~~) with an approved maze or with a hoistway gate which (~~((shall))~~) must:

- (a) Be at least thirty-six inches in height.
- (b) Extend downward to within one inch of the landing sill.
- (c) Be of the self-closing type, designed to swing horizontally out from the hoistway and closing against a full jam stop.
- (d) Be located within four inches of the hoistway edge of the landing sill.
- (e) Have a "DANGER" sign conspicuously posted on the landing side of the hoistway gate.
- (f) Withstand a two hundred fifty pound horizontal thrust.

(4) You must make sure all projections extending inwardly from the hoistway enclosure at the entrance side of the car platform (~~((shall be))~~) are bevelled and substantially guarded on the underside by smooth solid material set at an angle of not less than sixty degrees, nor more than seventy-five degrees from the horizontal when cars are not equipped with gates.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60185 Hoistway clearances. (1) You must make sure the minimum clearance between the side of the car and a hoistway enclosure (~~((shall be))~~) is one inch.

(2) You must make sure the clearance between the car platform and the landing sill (~~((shall))~~) is not (~~((be))~~) less than one-half inch and not more than one and one-half inches.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60187 Habitable space under hoistways. You must make sure there (~~((shall be))~~) is no habitable space below the elevator hoistway or counterweight shaft unless the floor is supported to withstand any impact caused by the car or counterweight dropping freely onto the floor.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60189 Hoistway guide rails. (1) You must make sure there (~~((shall be))~~) are a minimum of two opposing guide rails extending to a point six inches beyond

the full height of travel of the car when the counterweight buffer is fully compressed.

(2) You must make sure all rails ~~((shall be))~~ are attached by bolts, lag screws or other approved methods to a vertical supporting member which ~~((shall))~~ does not exceed one-half inch deflection with the application of a two hundred fifty pound horizontal thrust at any point.

(3) You must make sure wood guide rails ~~((shall be))~~ are at least one and one-half inch by one and one-half inch vertical grain fir or equivalent and ~~((shall))~~ must not vary more than three-sixteenth inch in thickness on the sides which the brakes contact. All joints ~~((shall))~~ must be kept smooth and even.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60191 Buffer springs and overtravel of car. You must install substantial spring buffers ~~((shall be installed))~~ below the car and also below the counterweight. The hoisting rope ~~((shall))~~ must be of such length that the car platform will not be more than eight inches above the top landing when the counterweight buffer spring is fully compressed.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60193 Car specifications. (1) You must make sure the car shall be built to the following specifications:

(a) The car platform ~~((shall be))~~ is not greater than thirty inches on either side (6.25 square feet area).

(b) The car frame and platform ~~((shall))~~ must be of steel or sound seasoned wood construction and be designed with a safety factor of not less than four for metal and six for wood, based on a maximum capacity of two hundred fifty pounds.

(c) All frame members ~~((shall))~~ must be securely bolted, riveted or welded and braced. If bolted, lock washers or lock nuts ~~((shall))~~ must be used.

(d) Where wooden frame members are bolted, large washers or metal plates ~~((shall))~~ must be used to minimize the possibility of splitting or cracking the wood.

(2) You must enclose the sides of the car ~~((shall be enclosed))~~ by a minimum of two safety guard rails with the top rail not less than thirty-six inches nor more than forty-two inches from the car floor. Rails ~~((shall))~~ must sustain a horizontal thrust of two hundred fifty pounds. If solid material is used it ~~((shall))~~ must be smooth surfaced and not less than one-half inch thickness, if wood; not less than sixteen gauge thickness, if steel; and ~~((shall))~~ must be constructed from the car floor to a height of not less than three feet.

(a) Where the hoistway is not enclosed on the entrance side of the car, a self-locking or drop bar gate must be provided. The car gate may be of the folding type, horizontally swung, provided it swings into the car enclosure. Drop bar gates must be of two bar construction, parallelogram type, and conform to requirements specified for car guard rails.

(b) The car gate ~~((shall))~~ must drop into locking slots or be provided with a positive locking type latch capable of withstanding two hundred fifty pounds horizontal thrust.

(3) You must make sure every car ~~((shall have))~~ has a substantial protective top. The front half may be hinged. The protective top may be made from number nine U.S. wire gauge screen, eleven gauge expanded metal, fourteen gauge sheet steel, three-quarter inch or heavier plywood. If made of wire screen or metal, the openings ~~((shall))~~ must reject a one-half inch diameter ball.

(4) You must make sure every car ~~((shall have))~~ has a proper rack to hold the balance weights.

(5) You must conspicuously post a sign within the car bearing the following information ~~((shall be conspicuously posted within the car))~~:

(a) Maximum capacity one person;

(b) Total load limit in pounds;

(c) For authorized personnel use only.

(6) You must equip every car ~~((shall be equipped))~~ with a spring loaded foot brake which:

(a) Operates independently of the car safeties;

(b) Operates in both directions and will stop and hold the car and its load;

(c) Locks the car in its position automatically whenever the operator releases the pressure on the foot pedal.

(7) You must equip every car ~~((shall be equipped))~~ with a car safety device which:

(a) Applies to the sides of the main guide rails;

(b) Stops and holds the car and its load immediately when the hoisting rope breaks.

(8) You must make sure every car ~~((shall have))~~ has a minimum clearance of six feet six inches from the top of the car platform to the bottom edge of the crosshead or any other obstruction.

(9) You must provide and firmly attach a tool box with minimum dimensions of four inches wide by sixteen inches long by three inches in depth ~~((shall be provided and firmly attached))~~ to the car structure.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60195 Counterweights. (1) You must make sure the assembly of sectional counterweights ~~((shall))~~ conforms to the following requirements:

(a) Rectangular counterweights ~~((shall))~~ must be held together by at least two tie rods one-half inch in diameter fastened with lock washers and double nuts or other approved means.

(b) One three-quarter inch rod may be used to hold the sections of a round counterweight together. Any additional sections or weights ~~((shall))~~ must be secured by an approved means.

(2) You must make sure the eye bolt for the rope hitch ~~((shall be))~~ is attached to the counterweight in a manner that will prevent the eye bolt from coming loose. The eye of eye bolts ~~((shall))~~ must be welded to prevent it from opening.

(3) You must enclose every counterweight runway ~~((shall be enclosed))~~ with substantial unperforated material for its full distance of travel. Inspection openings ~~((shall))~~ must be provided at either the top or bottom of the counterweight runway. These openings ~~((shall))~~ must be substan-

tially covered at all times except when actually being used for inspection of counterweight fastenings.

(4) You must make sure workmen ~~((shall))~~ load the counterweight for the proper balance of the heaviest person using the elevator and others ~~((shall))~~ must use compensating weights, which ~~((shall))~~ must be available, to maintain a balance.

(5) You must install a compensating chain or cable on elevators with travel of seventy-five feet or more ~~((a compensating chain or cable shall be installed))~~ to maintain the proper balance of the counterweight to the car and load in all positions.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60197 Sheaves. You must make sure the minimum sheave diameter ~~((shall be))~~ is forty times the diameter of the ropes used, i.e., fifteen inch for three-eighths inch rope.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60199 Hoisting ropes. (1) You must make sure hoisting rope ~~((shall be))~~ is of good grade traction elevator wire rope, and ~~((shall))~~ must:

- (a) Be not less than three-eighths inches in diameter.
- (b) Provide a safety factor of five based on the maximum weight supported.
- (c) Be of sufficient length to prevent the counterweight from striking the overhead structure when car is at bottom, and prevent the car from striking the overhead before the counterweight is at its lower limit of travel.
- (d) Be fastened at each end by at least three or more clamps, with the "U" of the clamp bearing on the dead end of the rope.
- (e) Where passed around a metal or other object less than three times the diameter of the cable, have a thimble of the correct size inserted in the eye.

(2) You may use approved sockets or fittings with the wire properly turned back and babbitted ~~((may be used))~~ in place of clamps noted in subsection (1)(d) of this section.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60201 Operating rope. You must make sure the operating rope ~~((shall be))~~ is of soft hemp or cotton at least three-quarter inch in diameter. It ~~((shall))~~ must be securely fastened at each end and ~~((shall))~~ must be in proper vertical alignment to prevent bending or cutting where it passes through the openings in the platform or the protective top of the car.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60203 Lighting. You must provide adequate lighting ~~((shall be provided))~~ at each landing and in the shaftway.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60205 Overhead supports. You must make sure the overhead supporting members ~~((shall be))~~ are designed, based upon impact loads, with a safety factor of:

- (1) Nine if wood;
- (2) Five if steel.

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

WAC 296-56-60207 General requirements. (1) ~~((No person))~~ You must prohibit any person other than an employee or duly authorized person ~~((shall ride or be permitted to ride))~~ from riding in the car.

(2) You must install escape ladders ~~((shall be installed))~~ extending the full length of the hoistway and ~~((shall))~~ must be located in a position so that, in an emergency, a person can safely transfer from the car platform to the ladder. An "IMPAIRED CLEARANCE" sign ~~((shall))~~ must be posted at the bottom of a ladder when the face of the ladder is less than thirty inches from any structure.

(3) You must install an automatic safety dog or device which will prevent the car from leaving the landing until manually released by the operator ~~((shall be installed at the bottom landing))~~.

(4) You must make available a fire extinguisher in proper working condition ~~((shall be available))~~ in the car.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

~~((PART J - LADDERS, STAIRWAYS OPENINGS, SANITATION, SIGNS, ETC.))~~

NEW SECTION

WAC 296-56-60208 Ladders, stairway openings, sanitation, signs, etc.

Summary

This section applies to all ladders, stairway openings, sanitation, and signs in your workplace.

Your responsibility: To protect employees from hazards in your workplace.

You must meet the requirements ...	in this section:
Fixed ladders	WAC 296-56-60209
Portable ladders	WAC 296-56-60211
Jacob's ladders	WAC 296-56-60213
Fixed stairways	WAC 296-56-60215
Spiral stairways	WAC 296-56-60217
Employee exits	WAC 296-56-60219
Illumination	WAC 296-56-60221
Passage between levels and across openings	WAC 296-56-60223
Guarding temporary hazards	WAC 296-56-60225

You must meet the requirements ...	in this section:
River banks	WAC 296-56-60227
Sanitation	WAC 296-56-60229
Signs and marking	WAC 296-56-60231

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60209 Fixed ladders. (1) ~~((Scope-))~~ This section applies to all fixed ladders except:

(a) Ladders forming an integral part of railway cars, highway carriers, cargo containers, or other transportation carrier equipment;

(b) Climbing devices such as step bolts or structural members of tanks and towers;

(c) Ladders built into or vertically attached to tubular scaffold framing; and

(d) Ladders used only for firefighting or emergency purposes are exempt from the provisions of subsection (5) of this section. All other requirements of this section apply.

(2) ~~((Definitions-~~

~~(a) "Cage" (basket guard) means a barrier enclosing or nearly enclosing a ladder's climbing space and fastened to one or both of the ladder's side rails or to another structure.~~

~~(b) "Fixed ladder" means a ladder, including individual rung ladders, permanently attached to a structure, building, or piece of equipment.~~

~~(c) "Ladder safety device" means a support system limiting an employee's drop or fall from the ladder, and which may incorporate friction brakes, lifelines and lanyards, or sliding attachments.~~

~~(d) "Well" means a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well.~~

~~(3)) You must meet the following requirements for ladders with defects.~~

(a) Ladders with broken, split, or missing rungs, steps or rails, broken welds or connections, corrosion or wastage, or other defect which may affect safe use ~~((shall))~~ must be removed from service.

(b) Ladder repairs ~~((shall))~~ must provide strength at least equivalent to that of the original ladder.

~~((4)) (3) You must meet the following requirements for ladder specifications(-):~~

~~(a)((+))~~ Ladders installed before October 3, 1983, ~~((shall))~~ must be capable of withstanding without damage a minimum concentrated load, applied uniformly over a three and one-half inch (8.9 cm) width at the rung center, of two hundred pounds (890 N).

~~((+))~~ (b) Ladders installed after October 3, 1983, ~~((shall))~~ must be capable of withstanding two hundred fifty pounds (1112 N) applied as described in (a)((+)) of this subsection. If used by more than one employee simultaneously, the ladder as a unit ~~((shall))~~ must be capable of simultaneous additional loading in two hundred fifty pound (1112 N) increments for each additional employee, applied to a corresponding number of rungs. The unit ~~((shall))~~ must have a safety

factor of four based on ultimate strength, in the designed service.

~~((b)(+))~~ (c) Ladders installed before October 3, 1983, ~~((shall))~~ must have rungs evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm) apart, center to center.

~~((+))~~ (d) Ladders installed after October 3, 1983, ~~((shall))~~ must have rungs evenly spaced twelve inches apart, plus or minus two inches (30.5 cm, plus or minus 5.08 cm), center to center.

~~((e)(+))~~ (e) Ladders installed before October 3, 1983, ~~((shall))~~ must have a width between side rails of at least ten inches (25.4 cm).

~~((+))~~ (f) Ladders installed after October 3, 1983, ~~((shall))~~ must have a width between side rails of at least twelve inches (30.48 cm).

~~((d))~~ (g) The minimum distance between the rung center line and the nearest permanent object behind the rung ~~((shall))~~ must be four inches (10.16 cm), except that in ladders installed after October 3, 1983, the minimum distance ~~((shall))~~ must be seven inches (17.78 cm) unless physical limitations make a lesser distance, not less than four and one-half inches (11.43 cm), necessary.

~~((e))~~ (h) When a ladder passes through an opening or past overhead obstructions, a minimum twenty-four inch (.61 m) clearance ~~((shall))~~ must exist between the climbing side and any obstruction. Where this distance is less than thirty inches (0.76 m), a deflection device ~~((shall))~~ must be installed for guidance through the opening.

~~((f))~~ (i) The side rails of ladders ~~((shall))~~ must extend at least thirty-six inches (0.91 m) above the top landing surface, unless grab bars or equivalent holds are provided.

~~((g))~~ (j) Ladders whose pitch exceeds ninety degrees to the horizontal (slanting backward on the climbing side) ~~((shall))~~ must not be used.

~~((5- Protection)) (4) You must meet the following requirements to protect against falls(-):~~

(a) Fixed ladders more than twenty feet (6.1 m) in height ~~((shall))~~ must be provided with a cage, well, or ladder safety device.

(b) When a well or cage is used, ladders with length of climb exceeding thirty feet (9.14 m) ~~((shall))~~ must comply with the following provisions:

(i) The ladder ~~((shall))~~ must consist of multiple sections not exceeding thirty feet (9.14 m) each;

(ii) Each section ~~((shall))~~ must be horizontally offset from adjacent sections, except as specified in (b)(iv) of this subsection; ~~((and))~~

(iii) A landing platform capable of supporting a load of one hundred pounds per square foot (4.79 kPa) and fitted with guardrails complying with WAC 296-56-60123(3) ~~((shall))~~ must be provided at least every thirty feet (9.14 m), except as specified in (b)(iv) of this subsection; and

(iv) For ladders installed after October 3, 1983, offset sections and landing platforms are not required if hinged platforms capable of supporting one hundred pounds per square foot (4.79 kPa), and which are kept closed except when opened for passage, are within the cage or well at intervals not exceeding thirty feet (9.14 m).

(c) Ladders equipped with ladder safety devices ~~((shall))~~ must have rest platforms:

(i) Capable of supporting a load of one hundred pounds per square foot (4.79 kPa);

(ii) Located at intervals of one hundred fifty feet (45.7 m) or less; and

(iii) Protected by guardrails complying with WAC 296-56-60123(3) on three sides.

(d) Where used, ladder safety devices ~~((shall))~~ must:

(i) Be installed and maintained in accordance with the manufacturer's instructions, which ~~((shall))~~ must be available for inspection upon request;

(ii) Be repaired only with replacement parts having performance capability at least equal to that of the original parts;

(iii) Have a connection length between carrier centerlines and safety belts of 10 ± 2 inches (25.4 \pm 5.08 cm); and

(iv) Be installed in a manner that does not reduce the ladder's structural capacity.

(e) Ladder cages or wells ~~((shall))~~ must:

(i) Be of rigid construction that allows unobstructed use but prevents an employee from falling through or dislodging the cage or well by falling against it;

(ii) Have smooth inner surfaces;

(iii) Extend at least thirty-six inches (0.91 m) above landings; and

(iv) Extend to within eight feet (2.44 m) above the ground or base, except that a maximum of twenty feet (6.1 m) is permitted where the cage or well would extend into traffic lanes.

(f) Ladders installed after January 1, 1985, on radio, microwave communications, electrical power and similar towers, poles and structures, including stacks and chimneys, ~~((shall))~~ must meet the requirements of this subsection.

~~((6) Individual rung ladders-))~~ (5) You must make sure ladders consisting of individual rungs that are attached to walls, conical manhole sections or river cells ~~((shall))~~ are:

(a) ~~((Be))~~ Capable of supporting a load of three hundred fifty pounds (1557 N) without deformation;

(b) Form a continuous ladder, uniformly spaced vertically from twelve inches to sixteen inches (30.5 to 40.6 cm) apart, with a minimum width of ten inches (25.4 cm), and projecting at least four and one-half inches (11.43 cm) from the wall;

(c) ~~((Be so))~~ Constructed that an employee's foot cannot slide off the ends; and

(d) Be firmly attached and without sharp edges.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60211 Portable ladders. (1) ~~((Scope and applicability-))~~ You must meet the requirements of this section as it applies to all portable ladders, including job-made ladders for temporary use, unless otherwise specified.

(2) You must meet the standards for existing manufactured portable ladders(-) as follows:

(a) Rungs of manufactured portable ladders obtained before October 3, 1983, ~~((shall))~~ must be capable of supporting a two hundred pound (890 N) load without deformation.

(b) Rungs ~~((shall))~~ must be evenly spaced from nine to sixteen and one-half inches (22.9 to 41.9 cm), center to center.

(c) Rungs ~~((shall))~~ must be continuous members between rails. Each rung of a double-rung ladder (two side rails and a center rail) ~~((shall))~~ must extend the full width of the ladder.

(d) Width between side rails at the base of the ladder ~~((shall))~~ must be at least twelve inches (30.48 cm) for ladders ten feet (3.05 m) or less in overall length, and ~~((shall))~~ must increase at least one-fourth inch (0.64 cm) for each additional two feet (0.61 m) of ladder length.

(3) ~~((Standards for manufactured portable ladders-))~~ You must make sure manufactured portable ladders obtained after October 3, 1983, ~~((shall))~~ bear identification indicating that they meet the appropriate ladder construction requirements of the following standards:

(a) ANSI A14.1-1990 Safety Requirements for Portable Wood Ladders

(b) ANSI A14.2-1990 Safety Requirements for Portable Metal Ladders

(c) ANSI A14.5-1992 Safety Requirements for Portable Reinforced Plastic Ladders

(4) ~~((Standards for job-made portable ladders-))~~ You must meet these standards for job-made portable ladders ~~((shall))~~:

(a) Have a minimum and uniform distance between rungs of twelve inches (30.48 cm), center to center;

(b) Be capable of supporting a two hundred fifty pound (1112 N) load without deformation; and

(c) Have a minimum width between side rails of twelve inches (30.48 cm) for ladders ten feet (3.05 m) in height. Width between rails ~~((shall))~~ must increase at least one-fourth inch (0.64 cm) for each additional two feet (0.61 m) of ladder length.

(5) You must meet the following requirements for maintenance and inspection(-):

(a) ~~((The employer shall))~~ You must maintain portable ladders in safe condition. Ladders with the following defects ~~((shall))~~ must not be used and either ~~((shall))~~ must be tagged as unusable if kept on the premises or ~~((shall))~~ must be removed from the worksite:

(i) Broken, split or missing rungs, cleats, or steps;

(ii) Broken or split side rails;

(iii) Missing or loose bolts, rivets, or fastenings;

(iv) Defective ropes; or

(v) Any other structural defect.

(b) Ladders ~~((shall))~~ must be inspected for defects prior to each day's use, and after any occurrence, such as a fall, which could damage the ladder.

(6) You must meet the following requirements for ladder usage(-):

(a) Ladders made by fastening rungs or devices across a single rail are prohibited.

(b) Ladders ~~((shall))~~ must not be used:

(i) As guys, braces, or skids; or

(ii) As platforms, runways, or scaffolds.

(c) Metal and wire-reinforced ladders with wooden side rails ~~((shall))~~ must not be used when employees on the ladder might come into contact with energized electrical conductors.

(d) Individual sections from different multisectional ladders or two or more single straight ladders ~~((shall))~~ must not be tied or fastened together to achieve additional length.

(e) Except for combination ladders, self-supporting ladders ~~((shall))~~ must not be used as single straight ladders.

(f) Unless intended for cantilever operation, nonself-supporting ladders ~~((shall))~~ must not be used to climb above the top support point.

(g) Ladders ~~((shall))~~ must extend at least thirty-six inches (0.91 m) above the upper support level if employees are to leave or mount the ladder at that level, except that where such extension is impractical other equivalent means such as grab bars may be used to provide a hand grip.

(h) Ladders ~~((shall))~~ must be securely positioned on a level and firm base.

(i) Ladders ~~((shall))~~ must be fitted with slip-resistant bases and secured at top or bottom to prevent the ladder from slipping.

(j) Ladders ~~((shall))~~ must be placed so that employees climbing are not exposed to injury from projecting objects or doors that open toward the ladder.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60213 Jacob's ladders. (1) You must make sure Jacob's ladders ~~((shall be))~~ are of the double rung or flat tread type. They ~~((shall))~~ must be well maintained and properly secured to the dock.

(2) You must either hang a Jacob's ladder ~~((shall either hang))~~ without slack from its lashings or be pulled up entirely.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60215 Fixed stairways. ~~((1) Definition. "Fixed stairway" means interior or exterior stairs serving machinery, tanks, or equipment, and stairs to or from floors, platforms, or pits. The term does not apply to stairs intended only for fire exit purposes, to articulated stairs (the angle of which changes with the rise and fall of the base support) or to stairs forming an integral part of machinery.~~

~~((2))~~ You must meet these requirements for new installations(-):

~~((a))~~ (1) Fixed stairs installed after October 3, 1983, ~~((shall))~~ must be positioned within the range of thirty degrees to fifty degrees to the horizontal with uniform riser height and tread width throughout each run and be capable of a minimum loading of one hundred pounds per square foot (445 N) and a minimum concentrated load of three hundred pounds (1334 N) at the center of any treadspan. Riser height ~~((shall))~~ must be from six to seven and one-half inches (15.24 to 19.05 cm), stair width a minimum of twenty-two inches (55.88 cm) between vertical barriers, and tread depth a minimum of 12 ± 2 inches (30.48 ± 5.08 cm), and tread nosing ~~((shall))~~ be straight leading edges.

~~((b))~~ (2) Stair landings ~~((shall))~~ must be at least twenty inches (50.8 cm) in depth. Where doors or gates open on a stairway, a landing platform ~~((shall))~~ must be provided. Door swing ~~((shall))~~ must not reduce the effective standing area on the landing to less than eighteen inches (45.72 cm) in depth.

~~((c))~~ (3) Fixed stairs having four or more risers ~~((shall))~~ must have stair railings or handrails complying with WAC 296-56-60123(3).

~~((d))~~ (4) The railing height from tread surface at the riser face ~~((shall))~~ must be 33 plus or minus 3 inches (83.82 cm plus or minus 7.62 cm).

~~((e))~~ (5) For restricted areas(-), when physical features require stairs steeper than those provided for by ~~((a))~~ (1) of this subsection, stairs at angles of fifty degrees to seventy-five degrees from the horizontal may be used if they:

~~((i))~~ (a) Are capable of supporting a single concentrated load of two hundred pounds (890 N) at the tread centers;

~~((ii))~~ (b) Have open treads at least four inches (10.16 cm) in depth and eighteen inches (45.72 cm) in width with a uniformly spaced vertical rise between treads of six to nine and one-half inches (15.24 to 24.13 cm); and

~~((iii))~~ (c) Have handrails that meet the requirements of WAC 296-56-60123(3) on both sides that are not less than thirty inches (76.2 cm) in height from the tread surface at the riser face.

~~((f) Maintenance-))~~ (6) You must maintain fixed stairways ~~((shall be maintained))~~ in safe condition and ~~((shall))~~ must not be obstructed.

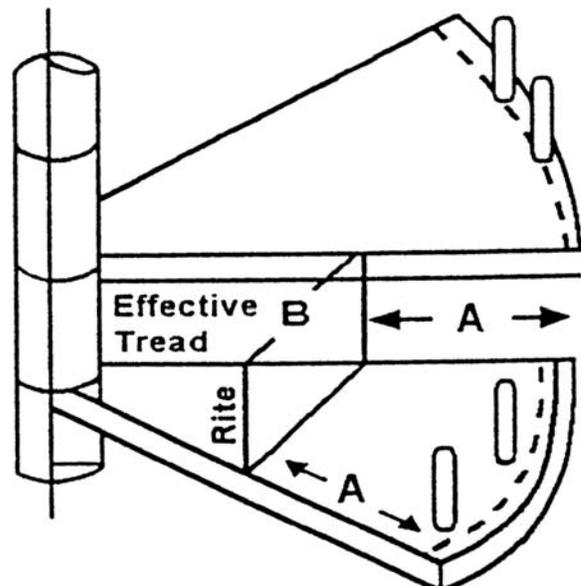
AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60217 Spiral stairways. (1) ~~((Definition. "Spiral stairway" means one with closed circular form, uniform sector shaped treads and a supporting column.~~

~~((2) Requirements-))~~ You must meet the following requirements for spiral stairways ~~((shall meet the following requirements))~~:

(a) Stairways ~~((shall))~~ must conform to the minimum dimensions of Figure F-1;

Figure F-1



Spiral Stairway—Minimum Dimensions		
	A (Half-tread width)	B
Normal use by employees	11 inches (27.9 cm)	6 inches (15.2 cm)
Limited access	9 inches (22.9 cm)	5 inches (12.7 cm)

(b) Stairway risers ~~((shall))~~ must be uniform and shall range from six and one-half to ten and one-half inches (16.5 to 26.67 cm) in height;

(c) Minimum loading capability ~~((shall))~~ be one hundred pounds per square foot (445 N), and minimum tread center concentrated loading shall be three hundred pounds (1334 N);

(d) Railing ~~((shall))~~ must conform to the requirements of WAC 296-56-60123(3). If balusters are used, there ~~((shall))~~ must be a minimum of one per tread. Handrails ~~((shall))~~ must be a minimum of one and one-fourth inches (3.18 cm) in outside diameter; and

(e) Vertical clearance ~~((shall))~~ must be at least six feet, six inches (1.98 m) above the top step.

~~((3) Maintenance:))~~ (2) You must maintain spiral stairways ~~((shall be maintained))~~ in safe condition.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60219 Employee exits. (1) You must clearly mark employee exits ~~((shall be clearly marked))~~.

(2) You must post directional signs indicating routes to the exit if an employee exit is not visible from employees' work stations ~~((directional signs indicating routes to the exit shall be posted))~~.

(3) ~~((Exits shall be))~~ You must make sure exits are readily accessible and sufficient in number to provide employees with a convenient means of escape in emergencies. A clear passage to the exit shall be maintained.

(4) You must make sure the minimum width of any employee exit ~~((shall be))~~ is twenty-eight inches (71.12 cm).

(5) You must clearly mark and keep clear all fire exits and aisleways of all docks and warehouses ~~((shall be clearly marked and kept clear))~~. All main aisleways ~~((shall))~~ must be wide enough to permit passage of a fire truck.

(6) ~~((There shall be))~~ You must maintain a twenty-eight inch clearance ~~((maintained))~~ where employees use a passageway to an exit.

(7) You must provide every building, structure or crane, new or old, ~~((shall be provided))~~ with an emergency means of egress to permit the prompt escape of occupants in case of fire or other emergency, at all locations with a vertical height of thirty feet or more. Cranes, buildings, or structures erected prior to January 1, 1985, ~~((shall))~~ must comply with the provisions of this standard by July 1, 1986.

AMENDATORY SECTION (Amending WSR 09-15-144, filed 7/21/09, effective 9/1/09)

WAC 296-56-60221 Illumination. ~~((Lighting:))~~ You must light all areas ~~((shall be lighted))~~ to meet the requirements of this code.

(1) You must light active work areas ~~((shall be lighted))~~ in such a manner that the general area being worked will be illuminated at a minimum intensity of approximately five foot candles measured thirty inches above the dock floor. Supplemental lighting ~~((shall))~~ must be utilized where more than the minimum intensity is necessary for safe operation.

(a) The lighting intensity ~~((shall))~~ must be measured at the task/working surface in the plane in which the task/working surface is present.

(b) Lights ~~((shall))~~ must, so far as possible, be placed so that they will not shine in the eyes of employees.

(2) You must maintain a minimum of three foot candles illumination measured in the manner described above ~~((shall be maintained))~~ at all points along the bull rail.

(3) You must make sure the quality of light ~~((shall be))~~ is such that it is reasonably free from glare, and has correct direction, diffusion, and distribution.

(4) You must make sure that lighting shall not be obstructed by any placement of cargo, structures or other objects which might create a shadow in the work area. Portable lighting ~~((shall))~~ must be provided in those areas that do not meet the minimum requirements of this subsection.

(5) You must meet the following requirements for portable illumination ~~((:))~~:

(a) All walking and working areas ~~((shall))~~ must be illuminated.

(b) Portable lights ~~((shall))~~ must meet the following requirements:

(i) Portable lights ~~((shall))~~ must be equipped with reflectors and guards to prevent flammable and other material from coming in contact with the bulb, except that guards are not required where the construction of the reflector is such that the bulb is recessed.

(ii) Portable lights ~~((shall))~~ must be equipped with heavy duty electric cords. They may be suspended by such cords only when the means of attachment of the cord to the light is such as to prevent the light from being suspended by the electrical connections.

(iii) All connections and insulation ~~((shall))~~ must be maintained.

(iv) Lighting wires and fixtures for portable lights ~~((shall))~~ must be so arranged as to be free from contact with drafts, running gear, or other moving equipment.

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60223 Passage between levels and across openings. (1) ~~((General. The employer shall))~~ You must provide safe means of passage between different surface levels and across openings.

(2) You must meet the following requirements for dockboards (car and bridge plates) ~~((:))~~:

(a) Dockboards ~~((shall))~~ must be strong enough to support the loads imposed on them.

(b) Portable dockboards ~~((shall))~~ must be anchored in position or be equipped with devices to prevent their movement.

(c) Hand holds or other effective means ~~((shall))~~ must be provided on portable dockboards to permit safe handling.

(d) Positive means ~~((shall))~~ must be used to prevent railcars or highway vehicles from being moved while dockboards or bridge plates are in position.

(3) You must meet the following requirements for ramps(-):

(a) Ramps ~~((shall))~~ must be strong enough to support the loads imposed on them, provided with sideboards, properly secured and well maintained.

(b) Ramps ~~((shall))~~ must be equipped with guardrails meeting the requirements of WAC 296-56-60123(3) if the slope is more than twenty degrees to the horizontal or if employees could fall more than four feet (1.22 m).

(c) Ramps ~~((shall))~~ must have slip-resistant surfaces.

(d) When necessary to prevent displacement by vehicle wheels, steel plates or similar devices, used to temporarily bridge or cover uneven surfaces or tracks, ~~((shall))~~ must be anchored.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60225 Guarding temporary hazards.

You must guard ditches, pits, excavations, and surfaces in poor repair ~~((shall be guarded))~~ by readily visible barricades, rails or other equally effective means.

AMENDATORY SECTION (Amending WSR 85-10-004, filed 4/19/85)

WAC 296-56-60227 River banks. (1) This section applies to temporary installations or temporary operations near a river bank.

(2) You must ensure that the outer perimeter of the working surface is protected by posting or other portable protection such as roping off, and that employees wear a personal flotation device meeting the requirements of WAC 296-56-60115(2), where working surfaces at river banks slope so steeply that an employee could slip or fall into the water~~((the employer shall ensure that the outer perimeter of the working surface is protected by posting or other portable protection such as roping off, and that employees wear a personal flotation device meeting the requirements of WAC 296-56-60115(2)))~~.

AMENDATORY SECTION (Amending WSR 12-24-071, filed 12/4/12, effective 1/4/13)

WAC 296-56-60229 Sanitation. (1) You must meet the following requirements for washing and toilet facilities(-):

(a) ~~((The employer shall))~~ You must provide accessible washing and toilet facilities sufficient for the sanitary requirements of employees. The facilities ~~((shall))~~ must have:

(i) Running water, including hot and cold or tepid water (when cargo handling is conducted at locations without permanent facilities, containers of potable water may be provided in lieu of running water);

(ii) Soap;

(iii) Individual hand towels, clean individual sections of continuous toweling or air blowers; and

(iv) Fixed or portable toilets in separate compartments with latch-equipped doors.

(b) Separate toilet facilities ~~((shall))~~ must be provided for male and female employees except when toilet rooms are occupied by only one person at a time. A means of locking ~~((shall))~~ must be provided.

(c) Washing and toilet facilities ~~((shall))~~ must be regularly cleaned and maintained in good order.

(2) You must meet the following requirements for drinking water.

(a) Potable drinking water shall be accessible to employees at all times.

(b) Potable drinking water containers ~~((shall))~~ must be clean, containing only water and ice, and ~~((shall))~~ must be fitted with covers.

(c) Common drinking cups are prohibited.

(3) ~~((Prohibited eating areas-))~~ You must prohibit consumption of food or beverages in areas where hazardous materials are being stored or handled ~~((shall be prohibited))~~.

(4) ~~((Garbage and overboard discharges. Work shall not be))~~ You must prohibit work from being conducted in the immediate vicinity of uncovered garbage or in the area of overboard discharges from the vessel's sanitary lines unless employees are protected from the garbage or discharge by a baffle or splash boards.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60231 Signs and marking. (1) ~~((General-))~~ You must make sure signs required by this chapter ~~((shall be))~~ are clearly worded and legible. They ~~((shall))~~ must contain a key word or legend indicating the reason for the sign.

(a) Key words are such words as danger, warning, caution.

(b) Legends are more specific explanations such as high voltage, close clearance, pedestrian crossing.

(2) ~~((Specific-))~~ You must make sure every marine terminal ~~((shall have))~~ has conspicuously posted signs as follows:

(a) Locations of first-aid facilities;

(b) Locations of telephones;

(c) Telephone numbers of the closest ambulance service, hospital or other source of medical attention, police, fire department, and emergency squad (if any); and

(d) Locations of firefighting and emergency equipment and fire exits.

~~((PART K - RELATED TERMINAL OPERATIONS AND EQUIPMENT))~~

NEW SECTION

WAC 296-56-60232 Related terminal operations and equipment.

Summary

This section applies to all related terminal operations and equipment in your workplace.

Your responsibility: To protect employees from terminal operations related to hazards in your workplace.

You must meet the requirements ...	in this section:
Related terminal operations and equipment—Machine guarding	WAC 296-56-60233
Welding, cutting and heating (hot work) (see also definition of "hazardous cargo, material, substance or atmosphere")	WAC 296-56-60235
Spray painting	WAC 296-56-60237
Compressed air	WAC 296-56-60239
Air receivers	WAC 296-56-60241
Fuel handling and storage	WAC 296-56-60243
Battery charging and changing	WAC 296-56-60245
Prohibited operations	WAC 296-56-60247
Petroleum docks	WAC 296-56-60249
Boat marinas	WAC 296-56-60251
Canneries and cold storage docks	WAC 296-56-60253
Excerpts from Revised Code of Washington	WAC 296-56-60255
Form—Appendix A—Standard signals for longshore crane signals	WAC 296-56-99002
Form—Appendix B—Standard signals for longshore crane signals	WAC 296-56-99003

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60233 Related terminal operations and equipment—Machine guarding. (1) ~~((Definition—"Guarded" means shielded, fenced, or enclosed by covers, easings, shields, troughs, spillways or railings, or guarded by position or location. Examples of guarding methods are guarding by location (positioning hazards so they are inaccessible to employees) and point of operation guarding (using barrier guards, two hand tripping devices, electronic safety devices, or other such devices).~~

~~(2) General.)~~ You must meet the following general requirements for machine guarding:

(a) Danger zones on machines and equipment used by employees ~~((shall))~~ must be guarded.

(b) Where chips and dust produced by machine operation may result in a hazard to the operator, the machinery ~~((shall))~~ must be equipped with an effective exhaust system at the

point of origin, or other equally effective means ~~((shall))~~ must be provided to protect the operator.

(c) Fixed machinery ~~((shall))~~ must be secured to prevent shifting.

(d) A power cut-off device for machinery and equipment ~~((shall))~~ must be provided at the operator's working position.

(e) Machines driven by belts and shafting ~~((shall))~~ must be fitted with a belt-locking or equivalent protective device if the belt can be shifted.

(f) In operations where injury to the operator might result if motors were to restart after power failures, provisions ~~((shall))~~ must be made to prevent machines from automatically restarting upon restoration of power.

(g) The power supply to machines ~~((shall))~~ must be turned off, locked out, and tagged out during repair, adjustment, or servicing.

(h) Machines ~~((shall))~~ must be maintained in a safe working condition.

(i) Only designated employees ~~((shall))~~ must maintain or repair machinery and equipment.

(j) Machines with defects that affect the safety of operation ~~((shall))~~ must not be used.

~~((3))~~ (2) You must guard hand-fed circular rip saws and hand-fed circular crosscut table saws((-)) as follows unless fixed or manually adjustable enclosures or guarding provides equivalent protection((-hand-fed circular rip saws and hand-fed circular crosscut table saws shall be guarded as follows)):

(a) ~~((They shall be))~~ Equipped with hoods completely enclosing those portions of the saw above the table and the material being cut;

(b) ~~((They shall))~~ Have spreaders to prevent material from squeezing the saw. Spreaders ~~((shall))~~ must be in true alignment with the saw. Spreaders may be removed only during grooving, dadoing, or rabbeting operations, and ~~((shall))~~ must be replaced at the completion of such operations; and

(c) ~~((They shall))~~ Have nonkickback fingers or dogs to oppose the tendency of the saw to pick up material or throw material toward the operator.

~~((4))~~ (3) You must guard swing cutoff saws((-)) as follows:

(a) Swing cutoff saws ~~((shall))~~ must have hoods completely enclosing the upper half of the saw, the arbor end and the point of operation at all saw positions to protect the operator from material thrown up by the saw. The hood ~~((shall))~~ must automatically cover the lower portion of the blade so that when the saw returns to the back of the table the hood rises on top of the fence, and when the saw is moved forward the hood drops on top, remaining in contact with the table or the material.

(b) Swing cutoff saws ~~((shall))~~ must have a device to return the saw automatically to the back of the table without rebound. The device ~~((shall))~~ must not be dependent upon rope, cord or springs.

(c) Devices ~~((shall))~~ must be provided to prevent saws from swinging beyond the front or back edges of the table.

(d) Inverted swing cutoff saws ~~((shall))~~ must have hoods covering the part of the saw protruding above the table top or the material being cut. Hoods ~~((shall))~~ must automatically

adjust to the thickness of, and remain in contact with, material being cut.

~~((5))~~ (4) You must guard radial saws as follows, unless fixed or manually adjustable enclosures or guards provide equivalent protection~~(radial saws shall be guarded as follows)~~:

(a) The upper hood of radial saws ~~((shall))~~ must enclose the upper portion of the blade up to and including the end of the saw arbor and ~~((shall))~~ must protect the operator from being struck by debris. The sides of the lower exposed portion of the blade ~~((shall))~~ must be guarded to the blade diameter by a device automatically adjusting to the thickness of the stock and remaining in contact with the stock. The lower guard may be removed only when the saw is used for bevel cuts;

(b) Radial saws used for ripping ~~((shall))~~ must have non-kickback fingers or dogs on both sides to oppose the thrust or tendency of the saw to pick up material or throw material toward the operator;

(c) An adjustable stop ~~((shall))~~ must be provided to prevent travel of radial saw blades beyond the table's edge;

(d) Radial saws ~~((shall))~~ must be installed so that the cutting head returns to the starting position without rebound when released; and

(e) ~~((The employer shall))~~ You must direct that employees perform ripping and ploughing against the saw turning direction. Rotation direction and an indication of the end of the saw to be used ~~((shall))~~ must be conspicuously marked on the hood.

~~((6))~~ (5) You must guard band saws and band resaws as follows:

(a) Saw blades and band saw wheels ~~((shall))~~ must be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table, to protect employees from point-of-operation hazards and flying debris.

(b) Band saws ~~((shall))~~ must be equipped with brakes to stop the band saw wheel if the blade breaks.

(c) Band saws ~~((shall))~~ must be equipped with a tension control device to keep the blade taut.

~~((7))~~ (6) You must guard abrasive wheels and machinery as follows:

(a) Abrasive wheels ~~((shall))~~ must be used only on machines having enclosure guards to restrain pieces of grinding wheels and to protect employees if the wheel breaks, except as provided in (b) and (c) of this subsection. Where the operator stands in front of the safety guard opening, the safety guard ~~((shall))~~ must be adjustable or have an adjustable tongue or piece at the top of the opening. The safety guard or the tongue ~~((shall))~~ must be adjusted so that it is always within one-fourth inch of the periphery of the wheel. Guards ~~((shall))~~ must be aligned with the wheel and the strength of fastenings ~~((shall))~~ must be greater than the strength of the guard.

(b) When the work provides equivalent protection, or when the machine is designed as a portable saw, guards may be constructed with the spindle end, nut and outer flange exposed. When the work entirely covers the side of the wheel, the side covers of the guard may be removed.

(c) Guarding is not required:

(i) For wheels used for internal work while the wheel is contained within the work being ground; or

(ii) For mounted wheels two inches (5 cm) and smaller in diameter used in portable operations.

(d) Work rests ~~((shall))~~ must be used on fixed grinding machines. Work rests ~~((shall))~~ must be rigidly constructed and adjustable for wheel wear. They ~~((shall))~~ must be adjusted closely to the wheel with a maximum opening of one-eighth inch (3.18 mm) and ~~((shall))~~ must be securely clamped. Adjustment ~~((shall))~~ must not be made while the wheel is in motion.

(e) Grinding wheels ~~((shall))~~ must fit freely on the spindle. The spindle nut ~~((shall))~~ must be tightened only enough to hold the wheel in place.

(f) Grinding machine wheels ~~((shall))~~ must turn at a speed that is compatible with the rated speed of the wheel.

(g) Flanges and blotters ~~((shall))~~ must be used only with wheels designed for their use. Flanges ~~((shall))~~ must be of a type ensuring retention of pieces of the wheel in case of breakage.

(h) Abrasive wheels with operational defects ~~((shall))~~ must not be used.

~~((8))~~ (7) You must guard rotating parts, drives and connections as follows:

(a) Rotating parts, such as gears and pulleys, that are located seven feet (2.13 m) or less above working surfaces ~~((shall))~~ must be guarded to prevent employee contact with moving parts.

(b) Belt, rope and chain drives ~~((shall))~~ must be guarded to prevent employees from coming into contact with moving parts.

(c) Gears, sprockets and chains ~~((shall))~~ must be guarded to prevent employees coming into contact with moving parts. This requirement does not apply to manually operated sprockets.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-56-60235 Welding, cutting and heating (hot work) (see also definition of "hazardous cargo, material, substance or atmosphere"). (1) ~~((Definition. "Hot work" means riveting, welding, flame cutting or other fire or spark-producing operation.~~

~~((2))~~ You must make sure hot work is not performed in confined space~~(s. Hot work shall not be performed in a confined space)~~ until all requirements of chapter 296-809 WAC, are met.

~~((3))~~ (2) You must provide fire protection for employees performing hot work as follows:

(a) To the extent possible, hot work ~~((shall))~~ must be performed in designated locations that are free of fire hazards.

(b) When hot work must be performed in a location that is not free of fire hazards, all necessary precautions ~~((shall))~~ must be taken to confine heat, sparks, and slag so that they cannot contact flammable or combustible material.

(c) Fire extinguishing equipment suitable for the location ~~((shall))~~ must be immediately available and ~~((shall))~~ must be maintained in readiness for use at all times.

(d) When the hot work operation is such that normal fire prevention precautions are not sufficient, additional personnel ~~((shall))~~ must be assigned to guard against fire during hot work and for a sufficient time after completion of the work to ensure that no fire hazard remains. The employer ~~((shall))~~ must instruct all employees involved in hot work operations as to potential fire hazards and the use of firefighting equipment.

(e) Drums and containers which contain or have contained flammable liquids ~~((shall))~~ must be kept closed. Empty containers ~~((shall))~~ must be removed from the hot work area.

(f) When openings or cracks in flooring cannot be closed, precautions ~~((shall))~~ must be taken to ensure that no employees or flammable or combustible materials are exposed to sparks dropping through the floor. Similar precautions ~~((shall))~~ must be taken regarding cracks or holes in walls, open doorways and open or broken windows.

(g) Hot work shall not be performed:

(i) In flammable or potentially flammable atmospheres;

(ii) On or in equipment or tanks that have contained flammable gas or liquid or combustible liquid or dust-producing material, until a designated person has tested the atmosphere inside the equipment or tanks and determined that it is not hazardous; or

(iii) Near any area in which exposed readily ignitable materials such as bulk sulphur, baled paper or cotton are stored. Bulk sulphur is excluded from this prohibition if suitable precautions are followed, the person in charge is knowledgeable and the person performing the work has been instructed in preventing and extinguishing sulphur fires.

~~((h))~~ ~~((+))~~ Drums, containers or hollow structures that have contained flammable or combustible substances ~~((shall))~~ must either be filled with water or cleaned, and ~~((shall))~~ must then be ventilated.

(i) A designated person ~~((shall))~~ must test the atmosphere and determine that it is not hazardous before hot work is performed on or in such structures.

(ii) Before heat is applied to a drum, container or hollow structure, an opening to release built-up pressure during heat application ~~((shall))~~ must be provided.

~~((4))~~ (3) You must follow these requirements for gas welding and cutting(-):

(a) Compressed gas cylinders must be used only as follows:

(i) ~~((shall))~~ Must have valve protection caps in place except when in use, hooked up or secured for movement. Oil ~~((shall))~~ must not be used to lubricate caps;

(ii) ~~((shall))~~ Must be hoisted only while secured, as on a cradle or pallet, and ~~((shall))~~ must not be hoisted by magnet, choker sling or cylinder caps;

(iii) ~~((shall))~~ Must be moved only by tilting or rolling on their bottom edges;

(iv) ~~((shall))~~ Must be secured when moved by vehicle;

(v) ~~((shall))~~ Must be secured while in use;

(vi) ~~((shall))~~ Must have valves closed when cylinders are empty, being moved or stored;

(vii) ~~((shall))~~ Must be secured upright except when hoisted or carried;

(viii) ~~((shall))~~ Must not be freed when frozen by prying the valves or caps with bars or by hitting the valve with a tool;

(ix) ~~((shall))~~ Must not be thawed by boiling water;

(x) ~~((shall))~~ Must not be exposed to sparks, hot slag, or flame;

(xi) ~~((shall))~~ Must not be permitted to become part of electrical circuits or have electrodes struck against them to strike arcs;

(xii) ~~((shall))~~ Must not be used as rollers or supports;

(xiii) ~~((shall))~~ Must not have contents used for purposes not authorized by the supplier;

(xiv) ~~((shall))~~ Must not be used if damaged or defective;

(xv) ~~((shall))~~ Must not have gases mixed within, except by gas suppliers;

(xvi) ~~((shall))~~ Must be stored so that oxygen cylinders are separated from fuel gas cylinders and combustible materials by either a minimum distance of twenty feet (6.1 m) or a barrier having a fire-resistance rating of thirty minutes; and

(xvii) ~~((shall))~~ Must not have objects that might either damage the safety device or obstruct the valve placed on top of the cylinder when in use.

(b) ~~((Use of fuel gas.))~~ Fuel gas ~~((shall))~~ must be used only as follows:

(i) Before regulators are connected to cylinder valves, the valves ~~((shall))~~ must be opened slightly (cracked) and closed immediately to clear away dust or dirt. Valves ~~((shall))~~ must not be cracked if gas could reach possible sources of ignition;

(ii) Cylinder valves ~~((shall))~~ must be opened slowly to prevent regulator damage and ~~((shall))~~ must not be opened more than one and one-half turns. Any special wrench required for emergency closing ~~((shall))~~ must be positioned on the valve stem during cylinder use. For manifolded or coupled cylinders, at least one wrench ~~((shall))~~ must be immediately available. Nothing ~~((shall))~~ must be placed on top of a cylinder or associated parts when the cylinder is in use;

(iii) Pressure-reducing regulators ~~((shall))~~ must be attached to cylinder valves when cylinders are supplying torches or devices equipped with shut-off valves;

(iv) Cylinder valves ~~((shall))~~ must be closed and gas released from the regulator or manifold before regulators are removed;

(v) Leaking fuel gas cylinder valves ~~((shall))~~ must be closed and the gland nut tightened. If the leak continues, the cylinder ~~((shall))~~ must be tagged, removed from service, and moved to a location where the leak will not be hazardous. If a regulator attached to a valve stops a leak, the cylinder need not be removed from the workplace but ~~((shall))~~ must be tagged and may not be used again before it is repaired; and

(vi) If a plug or safety device leaks, the cylinder ~~((shall))~~ must be tagged, removed from service, and moved to a location where the leak will not be hazardous.

(c) Hose(-) must be used only as follows:

(i) Fuel gas and oxygen hoses ~~((shall))~~ must be easily distinguishable from each other by color or sense of touch. Oxygen and fuel hoses ~~((shall))~~ must not be interchangeable. Hoses having more than one gas passage ~~((shall))~~ must not be used.

(ii) When oxygen and fuel gas hoses are taped together, not more than four of each twelve inches (10.16 cm of each 30.48 cm) ~~((shall))~~ must be taped.

(iii) Hose ~~((shall))~~ must be inspected before use. Hose subjected to flashback or showing evidence of severe wear or damage ~~((shall))~~ must be tested to twice the normal working pressure but not less than two hundred p.s.i. (1378.96 kPa) before reuse. Defective hose ~~((shall))~~ must not be used.

(iv) Hose couplings ~~((shall))~~ must not unlock or disconnect without rotary motion.

(v) Hose connections ~~((shall))~~ must be clamped or securely fastened to withstand twice the normal working pressure but not less than three hundred p.s.i. (2068.44 kPa) without leaking.

(vi) Gas hose storage boxes ~~((shall))~~ must be ventilated.

(d) Torches ~~((shall))~~ must be used only as follows:

(i) Torch tip openings ~~((shall))~~ must only be cleaned with devices designed for that purpose.

(ii) Torches ~~((shall))~~ must be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches ~~((shall))~~ must be inspected before each use for leaking shut-off valves, hose couplings and tip connections. Torches with such defects ~~((shall))~~ must not be used.

(iii) Torches ~~((shall))~~ must not be lighted from matches, cigarette lighters, other flames or hot work.

(e) ~~((Pressure regulators.))~~ Pressure regulators, including associated gauges, ~~((shall))~~ must be maintained in safe working order.

(f) ~~((Operational precaution.))~~ Gas welding equipment ~~((shall))~~ must be maintained free of oil and grease.

~~((5))~~ (4) You must meet these requirements for arc welding and cutting ~~((shall))~~:

(a) Manual electrode holders ~~((shall))~~ must be used as follows:

(i) ~~((The employer shall))~~ You must ensure that only manual electrode holders intended for arc welding and cutting and capable of handling the maximum current required for such welding or cutting ~~((shall))~~ must be used.

(ii) Current-carrying parts passing through those portions of the holder gripped by the user and through the outer surfaces of the jaws of the holder ~~((shall))~~ must be insulated against the maximum voltage to ground.

(b) Welding cables and connectors ~~((shall))~~ must be used as follows:

(i) Arc welding and cutting cables ~~((shall))~~ must be insulated, flexible and capable of handling the maximum current required by the operation, taking into account the duty cycles.

(ii) Only cable free from repair or splice for ten feet (3 m) from the electrode holder ~~((shall))~~ must be used unless insulated connectors or splices with insulating quality equal to that of the cable are provided.

(iii) When a cable other than the lead mentioned in (b)(ii) of this subsection wears and exposes bare conductors, the portion exposed ~~((shall))~~ must not be used until it is protected by insulation equivalent in performance capacity to the original.

(iv) Insulated connectors of equivalent capacity ~~((shall))~~ must be used for connecting or splicing cable. Cable lugs, where used as connectors, ~~((shall))~~ must provide electrical contact. Exposed metal parts ~~((shall))~~ must be insulated.

(c) Ground returns and machine grounding ~~((shall))~~ must be used as follows:

(i) Ground return cables ~~((shall))~~ must have current-carrying capacity equal to or exceeding the total maximum output capacities of the welding or cutting units served.

(ii) Structures or pipelines, other than those containing gases or flammable liquids or conduits containing electrical circuits, may be used in the ground return circuit if their current-carrying capacity equals or exceeds the total maximum output capacities of the welding or cutting units served.

(iii) Structures or pipelines forming a temporary ground return circuit ~~((shall))~~ must have electrical contact at all joints. Arcs, sparks or heat at any point in the circuit ~~((shall))~~ must cause rejection as a ground circuit.

(iv) Structures or pipelines acting continuously as ground return circuits ~~((shall))~~ must have joints bonded and maintained to ensure that no electrolysis or fire hazard exists.

(v) Arc welding and cutting machine frames ~~((shall))~~ must be grounded, either through a third wire in the cable containing the circuit conductor or through a separate wire at the source of the current. Grounding circuits ~~((shall))~~ must have resistance low enough to permit sufficient current to flow to cause the fuse or circuit breaker to interrupt the current.

(vi) Ground connections ~~((shall))~~ must be mechanically and electrically adequate to carry the current.

(d) When electrode holders are left unattended, electrodes ~~((shall))~~ must be removed and holders placed to prevent employee injury.

(e) Hot electrode holders ~~((shall))~~ must not be dipped in water.

(f) ~~((The employer shall))~~ You must ensure that when arc welders or cutters leave or stop work or when machines are moved, the power supply switch is kept in the off position.

(g) Arc welding or cutting equipment having a functional defect ~~((shall))~~ must not be used.

(h) ~~((i))~~ Arc welding and cutting operations ~~((shall))~~ must be separated from other operations by shields, screens, or curtains to protect employees in the vicinity from the direct rays and sparks of the arc.

~~((i))~~ (i) Employees in areas not protected from the arc by screening ~~((shall))~~ must be protected by appropriate filter lenses in accordance with subsection (8) of this section.

(ii) When welders are exposed to their own arc or to each other's arc, they ~~((shall))~~ must wear filter lenses complying with the requirements of subsection (8) of this section.

(i) The control apparatus of arc welding machines ~~((shall))~~ must be enclosed, except for operating wheels, levers, and handles.

(j) Input power terminals, top change devices and live metal parts connected to input circuits ~~((shall))~~ must be enclosed and accessible only by means of insulated tools.

(k) When arc welding is performed in wet or high-humidity conditions, employees ~~((shall))~~ must use additional protection, such as rubber pads or boots, against electric shock.

~~((6))~~ (5) You must meet the following requirements in ventilation and employee protection in welding, cutting and heating(-):

(a) ~~(Mechanical ventilation requirements. The employer shall)~~ You must ensure that general mechanical ventilation or local exhaust systems ((shall)) must meet the following requirements:

(i) General mechanical ventilation ((shall)) must maintain vapors, fumes and smoke below a hazardous level;

(ii) Local exhaust ventilation ((shall)) must consist of movable hoods positioned close to the work and ((shall)) must be of such capacity and arrangement as to keep breathing zone concentrations below hazardous levels;

(iii) Exhausts from working spaces ((shall)) must be discharged into the open air, clear of intake air sources;

(iv) Replacement air ((shall)) must be clean and respirable; and

(v) Oxygen ((shall)) must not be used for ventilation, cooling or cleaning clothing or work areas.

(b) ~~(Hot work in confined spaces.)~~ You must ensure that when hot work is performed in a confined space, in addition to the requirements of chapter 296-809 WAC and except as specified in (c)(ii) and (iii) of this subsection, ((when hot work is performed in a confined space the employer shall, in addition to the requirements of chapter 296-809 WAC, ensure that)) the following requirements for ventilation are met:

(i) General mechanical or local exhaust ventilations ((shall)) must be provided; or

(ii) Employees in the space ((shall)) must wear respirators in accordance with chapter 296-842 WAC.

(c) Requirements for welding, cutting or heating of toxic metals(-) are as follows:

(i) In confined or enclosed spaces, hot work involving the following metals ((shall)) must only be performed with general mechanical or local exhaust ventilation that ensures that employees are not exposed to hazardous levels of fumes:

(A) Lead base metals;

(B) Cadmium-bearing filler materials; and

(C) Chromium-bearing metals or metals coated with chromium-bearing materials.

(ii) In confined or enclosed spaces, hot work involving the following metals ((shall)) must only be performed with local exhaust ventilation meeting the requirements of this subsection or by employees wearing supplied air respirators in accordance with chapter 296-842 WAC;

(A) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials;

(B) Metals containing lead other than as an impurity, or coated with lead-bearing materials;

(C) Cadmium-bearing or cadmium-coated base metals; and

(D) Metals coated with mercury-bearing materials.

(iii) Employees performing hot work in confined or enclosed spaces involving beryllium-containing base or filler metals ((shall)) must be protected by local exhaust ventilation and wear supplied air respirators or self-contained breathing apparatus, in accordance with the requirements of chapter 296-842 WAC.

(iv) ~~(The employer shall)~~ You must ensure that employees performing hot work in the open air that involves any of the metals listed in (c)(i) and (ii) of this subsection ((shall)) must be protected by respirators in accordance with the requirements of chapter 296-842 WAC and those working on beryllium-containing base or filler metals ((shall)) must be protected by supplied air respirators, in accordance with the requirements of chapter 296-842 WAC.

(v) Any employee exposed to the same atmosphere as the welder or burner ((shall)) must be protected by the same type of respiratory and other protective equipment as that worn by the welder or burner.

(d) ~~(Inert-gas metal-arc welding.)~~ You must make sure employees ((shall)) will not engage in and ((shall)) not be exposed to the inert-gas metal-arc welding process unless the following precautions are taken:

(i) Chlorinated solvents ((shall)) must not be used within two hundred feet (61 m) of the exposed arc. Surfaces prepared with chlorinated solvents ((shall)) must be thoroughly dry before welding is performed on them.

(ii) Employees in areas not protected from the arc by screening ((shall)) must be protected by appropriate filter lenses in accordance with the requirements of subsection ~~((8))~~ (7) of this section. When welders are exposed to their own arc or to each other's arc, filter lenses complying with the requirements of subsection ~~((8))~~ (7) of this section ((shall)) must be worn to protect against flashes and radiant energy.

(iii) Employees exposed to radiation ((shall)) must have their skin covered completely to prevent ultraviolet burns and damage. Helmets and hand shields ((shall)) must not have leaks, openings or highly reflective surfaces.

(iv) Inert-gas metal-arc welding on stainless steel ((shall)) must not be performed unless exposed employees are protected either by local exhaust ventilation or by wearing supplied air respirators in accordance with the requirements of chapter 296-842 WAC.

~~((7))~~ (6) You must meet these requirements for welding, cutting and heating on preservative coatings(-):

(a) Before hot work is commenced on surfaces covered by a preservative coating of unknown flammability, a test ((shall)) must be made by a designated person to determine the coating's flammability. Preservative coatings ((shall)) must be considered highly flammable when scrapings burn with extreme rapidity.

(b) Appropriate precaution ((shall)) must be taken to prevent ignition of highly flammable hardened preservative coatings. Highly flammable coatings ((shall)) must be stripped from the area to be heated. An uncoiled fire hose with fog nozzle, under pressure, ((shall)) must be immediately available in the hot work area.

(c) Surfaces covered with preservative coatings ((shall)) must be stripped for at least four inches (10.16 cm) from the area of heat application or employees ((shall)) must be protected by supplied air respirators in accordance with the requirements of chapter 296-842 WAC.

~~((8) Protection)~~ (7) You must protect employees against radiant energy(-) as follows:

(a) Employees ((shall)) must be protected from radiant energy eye hazards by spectacles, cup goggles, helmets, hand

shields or face shields with filter lenses complying with the requirements of this subsection.

(b) Filter lenses ~~((shall))~~ must have an appropriate shade number, as indicated in Table G-1, for the work performed. Variations of one or two shade numbers are permissible to suit individual preferences.

(c) If filter lenses are used in goggles worn under the helmet, the shade numbers of both lenses equals the value shown in Table G-1 for the operation.

Table G-1((+))

Filter Lenses for Protection Against Radiant Energy

Operation	Shade No.
Soldering((-----))	2
Torch Brazing((-----))	3 or 4
Light Cutting, up to 1 inch((-----))	3 or 4
Medium Cutting, 1-6 inches((-----))	4 or 5
Heavy Cutting, over 6 inches((-----))	5 or 6
Light Gas Welding, up to 1/8 inch((-----))	4 or 5
Medium Gas Welding, 1/8-1/2 inch((-----))	5 or 6
Heavy Gas Welding, over 1/2 inch((-----))	6 or 8
Shielded Metal-Arc Welding 1/16 to 5/32-inch electrodes((-----))	10
Inert Gas Metal-Arc Welding (nonferrous) 1/16 to 5/32-inch electrodes((-----))	11
Shielded Metal-Arc Welding: 3/16 to 1/4-inch electrodes((-----))	12
5/16 and 3/8-inch electrodes((-----))	14

AMENDATORY SECTION (Amending WSR 00-21-103, filed 10/18/00, effective 2/1/01)

WAC 296-56-60237 Spray painting. (1) ~~((Scope.))~~

This section covers painting operations connected with maintenance of structures, equipment and gear at the marine terminal and of transient equipment serviced at the terminal. It does not apply to overall painting of terminal structures under construction, major repair or rebuilding of terminal structures, or portable spraying apparatus not used regularly in the same location.

(2) ~~((Definitions.~~

(a) ~~"Spraying area" means any area where flammable vapors, mists or combustible residues, dusts or deposits may be present due to paint spraying operations.~~

(b) ~~"Spray booth" means an enclosure containing a flammable or combustible spraying operation and confining and limiting the escape of paint, vapor and residue by means of a powered exhaust system.~~

(c) ~~"Approved" means, for the purpose of this section, that the equipment has been approved for the specified use by a nationally recognized testing laboratory.)~~ For the purpose of this section, approved means that the equipment has been approved for the specified use by a nationally recognized testing laboratory.

(3) You must meet the following spray painting requirements for indoor and outdoor spraying areas and booths((-):

(a) Shut-off valves, containers or piping with attached hoses or flexible connections ~~((shall))~~ must have shut-off valves closed at the connection when not in use.

(b) Pumps used to transfer paint supplies ~~((shall))~~ must have automatic pressure-relieving devices.

(c) Hoses and couplings ~~((shall))~~ must be inspected before use. Hoses showing deterioration, leakage or weakness in the carcass or at the couplings ~~((shall))~~ must be removed from service.

(d)((+)) No open flame or spark-producing equipment ~~((shall))~~ must be within twenty feet (6.1 m) of a spraying area unless it is separated from the spraying area by a fire-retardant partition.

((+)) (i) Hot surfaces ~~((shall))~~ must not be located in spraying areas.

((+)) (ii) Whenever combustible residues may accumulate on electrical installations, wiring ~~((shall))~~ must be in rigid conduit or in boxes containing no taps, splices or connections.

((+)) (iii) Portable electric lights ~~((shall))~~ must not be used during spraying operations. Lights used during cleaning or repairing operations ~~((shall))~~ must be approved for the location in which they are used.

(e) When flammable or combustible liquids are being transferred between containers, both containers ~~((shall))~~ must be bonded and grounded.

(f)((+)) Spraying ~~((shall))~~ must be performed only in designated spray booths or spraying areas.

((+)) (i) Spraying areas ~~((shall))~~ must be kept as free from combustible residue accumulations as practical.

((+)) (ii) Residue scrapings, debris, rags, and waste ~~((shall))~~ must be removed from the spraying area as they accumulate.

(g) Spraying with organic peroxides and other dual-component coatings ~~((shall))~~ must only be conducted in sprinkler-equipped spray booths.

(h) Only the quantity of flammable or combustible liquids required for the operation ~~((shall))~~ must be allowed in the spraying area, and in no case ~~((shall))~~ must the amount exceed a one-day supply.

(i) Smoking ~~((shall))~~ must be prohibited and "No Smoking" signs ~~((shall))~~ must be posted in spraying and paint storage areas.

(4) You must meet these additional requirements for spraying areas and spray booths((-):

(a) Distribution or baffle plates ~~((shall))~~ must be of non-combustible material and ~~((shall))~~ must be removable or accessible for cleaning. They ~~((shall))~~ must not be located in exhaust ducts.

(b) Any discarded filter ~~((shall))~~ must be removed from the work area or placed in water.

(c) Filters ~~((shall))~~ must not be used when the material being sprayed is highly susceptible to spontaneous heating and ignition.

(d) Filters ~~((shall))~~ must be noncombustible or of an approved type. The same filter ~~((shall))~~ must not be used when spraying with different coating materials if the combination of materials may spontaneously ignite.

(e) Spraying areas ~~((shall))~~ must be mechanically ventilated for removal of flammable and combustible vapor and mist.

(f) Mechanical ventilation ~~((shall))~~ must be in operation during spraying operations and long enough thereafter to exhaust hazardous vapor concentrations.

(g) Rotating fan elements ~~((shall))~~ must be nonsparking or the casing ~~((shall))~~ must consist of or be lined with non-sparking material.

(h) Piping systems conveying flammable or combustible liquids to the spraying booth or area ~~((shall))~~ must be made of metal and be both electrically bonded and grounded.

(i) Air exhausted from spray operations ~~((shall))~~ must not contaminate makeup air or other ventilation intakes. Exhausted air ~~((shall))~~ must not be recirculated unless it is first cleaned of any hazardous contaminants.

(j) Original closed containers, approved portable tanks, approved safety cans or a piping system ~~((shall))~~ must be used to bring flammable or combustible liquids into spraying areas.

(k) If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line ~~((shall))~~ must have a relief valve discharging either to a pump section or detached location, or the line ~~((shall))~~ must be equipped with a device to stop the prime mover when discharge pressure exceeds the system's safe operating pressure.

(l) Wiring, motors and equipment in a spray booth ~~((shall))~~ must be of approved explosion-proof type for Class I, Group D locations and conform with the requirements of chapter 296-24 WAC Part L for Class I, Division 1, Hazardous Locations. Wiring, motors and equipment within twenty feet (6.1 m) of any interior spraying area and not separated by vapor-tight partitions ~~((shall))~~ must not produce sparks during operation and ~~((shall))~~ must conform to the requirements of chapter 296-24 WAC Part L for Class I, Division 2, Hazardous Locations.

(m) Outside electrical lights within ten feet (3.05 m) of spraying areas and not separated from the areas by partitions ~~((shall))~~ must be enclosed and protected from damage.

(5) You must meet these additional requirements for spray booths(-):

(a) Spray booths ~~((shall))~~ must be substantially constructed of noncombustible material and have smooth interior surfaces. Spray booth floors ~~((shall))~~ must be covered with noncombustible material. As an aid to cleaning, paper may be used to cover the floor during painting operations if it is removed after the painting is completed.

(b) Spray booths ~~((shall))~~ must be separated from other operations by at least 3 feet (0.91 m) or by fire-retardant partitions or walls.

(c) A space of at least 3 feet (0.91 m) on all sides of the spray booth ~~((shall))~~ must be maintained free of storage or combustible materials.

(d) Metal parts of spray booths, exhaust ducts, pipings, airless high-pressure spray guns and conductive objects being sprayed ~~((shall))~~ must be grounded.

(e) Electric motors driving exhaust fans ~~((shall))~~ must not be located inside booths or ducts.

(f) Belts ~~((shall))~~ must not enter ducts or booths unless the belts are completely enclosed.

(g) Exhaust ducts ~~((shall))~~ must be made of steel, ~~((shall))~~ must have sufficient access doors to permit cleaning, and ~~((shall))~~ must have a minimum clearance of 18 inches (0.46 m) from combustible materials. Any installed dampers ~~((shall))~~ must be fully opened when the ventilating system is operating.

(h) Spray booths ~~((shall))~~ must not be alternately used to spray different types of coating materials if the combination of the materials may spontaneously ignite unless deposits of the first material are removed from the booth and from exhaust ducts before spraying of the second material begins.

AMENDATORY SECTION (Amending WSR 92-22-067, filed 10/30/92, effective 12/8/92)

WAC 296-56-60239 Compressed air. You must make sure employees ~~((shall be))~~ are protected by appropriate eye protection and personal protective equipment complying with the requirements of WAC 296-56-60109 through 296-56-60115 during cleaning with compressed air. Compressed air used for cleaning ~~((shall))~~ must not exceed a pressure of thirty p.s.i. Compressed air ~~((shall))~~ must not be used to clean employees.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60241 Air receivers. (1) ~~((Application-))~~ This section applies to compressed air receivers and equipment used for operations such as cleaning, drilling, hoisting and chipping. It does not apply to equipment used to convey materials or in transportation applications such as railways, vehicles or cranes.

(2) You must meet the following requirements for gauges and valves(-):

(a) Air receivers ~~((shall))~~ must be equipped with indicating pressure gauges and spring-loaded safety valves. Safety valves ~~((shall))~~ must prevent receiver pressure from exceeding one hundred ten percent of the maximum allowable working pressure.

(b) No other valves ~~((shall))~~ must be placed between air receivers and their safety valves.

AMENDATORY SECTION (Amending WSR 04-11-066, filed 5/18/04, effective 7/1/04)

WAC 296-56-60243 Fuel handling and storage. (1) You must meet the following requirements for liquid fuel(-):

(a) Only designated persons ~~((shall))~~ must conduct fueling operations.

(b) In case of spillage, filler caps ~~((shall))~~ must be replaced and spillage disposed of before engines are started.

(c) Engines ~~((shall))~~ must be stopped and operators ~~((shall))~~ must not be on the equipment during refueling operations.

(d) Smoking and open flames ~~((shall))~~ must be prohibited in areas used for fueling, fuel storage or enclosed storage of equipment containing fuel.

(e) Equipment ~~((shall))~~ must be refueled only at designated locations.

(f) Liquid fuels not handled by pump ~~((shall))~~ must be handled and transported only in portable containers designed for that purpose. Portable containers ~~((shall))~~ must be metal, have tight closures with screw or spring covers and ~~((shall))~~ must be equipped with spouts or other means to allow pouring without spilling. Leaking containers ~~((shall))~~ must not be used.

(g) Flammable liquids ~~((shall))~~ must only be dispensed in the open from a tank or from other vehicles equipped for delivering fuel to another vehicle if:

(i) Dispensing hoses do not exceed fifty feet (15.24 m) in length; and

(ii) Any powered dispensing nozzles are of the automatic-closing type.

(h) Liquid fuel dispensing devices ~~((shall))~~ must be provided with an easily accessible and clearly identified shutoff device, such as a switch or circuit breaker, to shut off the power in an emergency.

(i) Liquid fuel dispensing devices, such as pumps, ~~((shall))~~ must be mounted either on a concrete island or be otherwise protected against collision damage.

(2) You must meet these requirements for liquefied gas fuels(-): See WAC 296-24-475 through 296-24-47517.

(a) Fueling locations.

(i) Liquefied gas powered equipment ~~((shall))~~ must be fueled only at designated locations.

(ii) Equipment with permanently mounted fuel containers ~~((shall))~~ must be charged outdoors.

(iii) Equipment ~~((shall))~~ must not be fueled or stored near underground entrances, elevator shafts or other places where gas or fumes might accumulate.

(b) Fuel containers.

(i) When removable fuel containers are used, the escape of fuel when containers are exchanged ~~((shall))~~ must be minimized by:

(A) Automatic quick-closing couplings (closing in both directions when uncoupled) in fuel lines; or

(B) Closing fuel container valves and allowing engines to run until residual fuel is exhausted.

(ii) Pressure-relief valve openings ~~((shall))~~ must be in continuous contact with the vapor space (top) of the cylinder.

(iii) Fuel containers ~~((shall))~~ must be secured to prevent their being jarred loose, slipping or rotating.

(iv) Containers ~~((shall))~~ must be located to prevent damage to the container. If located within a compartment, that compartment ~~((shall))~~ must be vented. Containers near the engine or exhaust system ~~((shall))~~ must be shielded against direct heat radiation.

(v) Container installation ~~((shall))~~ must provide the container with at least the vehicle's road clearance under maximum spring deflection, measured from the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(vi) Valves and connections ~~((shall))~~ must be protected from contact damage. Permanent protection ~~((shall))~~ must be provided for fittings on removable containers.

(vii) Defective containers ~~((shall))~~ must be removed from service.

(c) Fueling operations(-): See WAC 296-24-47517.

(i) Fueling operations for liquefied gas fuels ~~((shall))~~ must also comply with the requirements of subsection (1) of this section.

(ii) Using matches or flames to check for leaks is prohibited.

(iii) Containers ~~((shall))~~ must be examined before recharging and again before reuse for the following:

(A) Dents, scrapes and gouges of pressure vessels;

(B) Damage to valves and liquid level gauges;

(C) Debris in relief valves;

(D) Leakage at valves or connections; and

(E) Deterioration or loss of flexible seals in filling or servicing connections.

(d) Fuel storage. See WAC 296-24-47517(6).

(i) Stored fuel containers ~~((shall))~~ must be located to minimize exposure to excessive temperatures and physical damage.

(ii) Containers ~~((shall))~~ must not be stored near exits, stairways or areas normally used or intended for egress.

(iii) Outlet valves of containers in storage or transport ~~((shall))~~ must be closed. Relief valves ~~((shall))~~ must connect with vapor spaces.

(e) Vehicle storage and servicing.

(i) Liquefied gas fueled vehicles may be stored or serviced inside garages or shops only if there are no fuel system leaks.

(ii) Liquefied gas fueled vehicles under repair ~~((shall))~~ must have container shut-off valves closed unless engine operation is necessary for repairs.

(iii) Liquefied gas fueled vehicles ~~((shall))~~ must not be parked near open flames, sources of ignition or unventilated open pits.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60245 Battery charging and changing.

(1) You must make sure only designated persons ~~((shall))~~ change or charge batteries.

(2) You must make sure battery charging and changing ~~((shall be))~~ is only performed ~~((only))~~ in areas you have designated ~~((by the employer))~~ for battery charging and changing.

(3) You must prohibit smoking and other ignition sources ~~((are prohibited))~~ in charging areas.

(4) You must make sure filler caps ~~((shall be))~~ are in place when batteries are being moved.

(5) You must apply parking brakes ~~((shall be applied))~~ before batteries are charged or changed.

(6) You must make sure when a jumper battery is connected to a battery in a vehicle, the ground lead ~~((shall))~~ must connect to ground away from the vehicle's battery. Ignition, lights and accessories on the vehicle ~~((shall))~~ must be turned off before connections are made.

(7) You must make sure batteries ~~((shall be))~~ are free of corrosion buildup and cap vent holes ~~((shall be))~~ are open.

(8) You must provide adequate ventilation ~~((shall be provided))~~ during charging.

(9) You must provide facilities for flushing the eyes, body and work area with water (~~((shall be provided))~~) whenever electrolyte is handled, except when employees are only checking battery electrolyte levels or adding water.

(10) You must use carboy tilters or siphons (~~((shall be used))~~) to handle electrolyte in large containers.

(11) You must insulate or otherwise protect battery handling equipment which could contact battery terminals or cell connectors (~~((shall be insulated or otherwise protected))~~).

(12) You must make sure metallic objects (~~((shall not be))~~) are not placed on uncovered batteries.

(13) You must make sure vent caps are in place when batteries are being charged (~~((the vent caps shall be in place))~~).

(14) You must turn off chargers (~~((shall be turned off))~~) when leads are being connected or disconnected.

(15) You must secure installed batteries (~~((shall be secured))~~) to avoid physical or electrical contact with compartment walls or components.

AMENDATORY SECTION (Amending WSR 85-01-022, filed 12/11/84)

WAC 296-56-60247 Prohibited operations. (1) You must make sure spray painting and abrasive blasting operations (~~((shall not be))~~) are not conducted in the vicinity of cargo handling operations.

(2) You must make sure welding and burning operations (~~((shall not be))~~) are not conducted in the vicinity of cargo handling operations unless such hot work is part of the cargo operation.

AMENDATORY SECTION (Amending WSR 88-14-108, filed 7/6/88)

WAC 296-56-60249 Petroleum docks. (1) You must equip pipe lines which transport petroleum liquids from or to a wharf (~~((shall be equipped))~~) with valves on shore, so located as to be readily accessible and not endangered by fire on the wharf.

(2) You must provide drip pans, buckets, or other means (~~((shall be provided and shall))~~) that must be used to prevent oil spillage upon wharves during loading, disconnecting and draining hoses. After transfer is completed the contents of drip pans and buckets (~~((shall))~~) must be removed and taken to a place of disposal.

(3) You must make sure package goods, freight or ship stores (~~((shall not be))~~) are not swing-loaded or unloaded during the bulk handling of oils or other flammable liquids in such a manner that the swing-loads will endanger the hose.

(4) You must make sure water lights for use at petroleum wharves (~~((shall be))~~) are a type which does not create a source of ignition.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60251 Boat marinas. (1) You must inspect all hoisting equipment including derricks, cranes, or other devices used for boat launching, handling cargo, or supplies (~~((shall be inspected))~~) once a month. Records of this inspection (~~((shall))~~) must be made available upon request.

(2) Floating docks are not required to have bull rails unless lift trucks or other power driven equipment is used on the dock.

(3) You must post "No smoking" signs (~~((shall be posted))~~) in areas where fueling or flammable material is present.

(4) You must store flammable material or petroleum products (~~((shall be stored))~~) in a fireproof storage room or shed.

(5) You must clean slippery surfaces (~~((shall be cleaned))~~) and nonslip material (~~((shall))~~) must be used if necessary.

AMENDATORY SECTION (Amending WSR 86-03-064, filed 1/17/86)

WAC 296-56-60253 Canneries and cold storage docks. (1) You must inspect hoisting equipment used to load or unload cargo or supplies of fishing vessels (~~((shall be inspected))~~) once a month certified in accordance with the requirements of WAC 296-56-60093. The record of inspection (~~((shall))~~) must be made available upon request.

(2) Slippery surfaces (~~((shall))~~) must be cleaned and nonslip material shall be used if necessary.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-56-60005 Definitions.

Chapter 296-806 WAC

MACHINE SAFETY

NEW SECTION

WAC 296-806-099 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 contrarotating 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:

(a) Type 16 cones have a curved side with a nose radius.

(b) Type 17 cones have straight sides with or without a nose radius.

(c) Type 18 and 18R plug wheels are cylindrical in shape with either a square or curved grinding end.

(d) 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:

(a) Restrains the operator from inadvertently reaching into the hazardous area.

(b) Prevents normal or hazardous operation if any part of an individual's body is inadvertently within the hazardous area.

(c) 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.

(d) 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 shut height. 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, countersink, 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:

- (a) Adaptor.
- (b) Sleeve.
- (c) Straight relieved.
- (d) 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.

(a) 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.

(b) Some metals can be forged at room temperature, but the majority of metals are made more plastic for forging with heat.

(c) 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. A barrier that does at least one of the following:

(a) Prevents the hands or other body part from reaching through, over, under, or around the guard into the hazard area.

(b) Prevents objects or debris from falling onto or being ejected towards an employee.

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.

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.

(a) Combustion gases are circulated through this enclosed system and mixed with fresh combustion gases generated by the burner in the combustion chamber.

(b) A vent or overflow removes a portion of the gases to make room for the fresh gases added by the burner.

(c) 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:

- (a) Punching;
- (b) Shearing;
- (c) Notching;
- (d) Coping; and
- (e) 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**.

Safeguarding by distance. Employees are kept far enough from a hazard that they will not contact or be injured by the hazard.

Safeguarding by location. Because of its location, no employee can inadvertently come in contact with a hazard during operation, maintenance, or servicing.

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.

SFPM. See **surface feet per minute**.

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

SFPM = $.262 \times 24 \times 1000 = 3,144$ 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 activation 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 hazard-

ous 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.

~~((REQUIREMENTS FOR ALL MACHINES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-200 ((Summary-)) Requirements for all machines.

Summary

This section applies to all machines in your workplace. It is organized into the following four categories:

- ((*) (1) General requirements.
- ((*) (2) Safeguarding requirements.
- ((*) (3) Safeguarding methods.
- ((*) (4) 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:

- ((-) 1. Additional requirements for some machines and machine operations, WAC 296-806-400.
- ((*) 2. 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.)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Secure machines designed to stay in one place</u>	<u>WAC 296-806-20002</u>
<u>Protect employees from slipping hazards around machinery</u>	<u>WAC 296-806-20004</u>
<u>Arrange work areas to avoid creating hazards</u>	<u>WAC 296-806-20006</u>

((WORKPLACE))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20002 Secure machines designed to stay in one place. ((You must:

•)) 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).
EXEMPTION:

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20004 Protect employees from slipping hazards around machinery. ((You must:

•)) 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:

((-) (1) Nonslip matting.

((-) (2) Grating.

((-) (3) Nonslip composition flooring.

((-) (4) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20006 Arrange work areas to avoid creating hazards. ((You must:

•)) (1) You must make sure work areas around machinery are designed with enough space so each operator:

((-) (a) Can clean and handle material without interference from other workers or machines.

((-) (b) Does **not** have to stand in the way of passing traffic.

((•) (2) You must 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 OPERATIONS))~~

NEW SECTION

WAC 296-806-20007 Machine controls and operations.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
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

You must meet the requirements ...	in this section:
Protect employees who are adjusting or repairing machinery	WAC 296-806-20020

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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) You must make sure each machine has a control that both:
- ~~((AND~~ (a) Stops the machine; ~~))~~ and
 - (b) Can be reached by the operator without leaving the operator's position.
- (2) You must make sure the operator can easily reach all machine controls without reaching into a hazard area of the machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20010 Protect employees from unintentional machine operation. ~~((You must:))~~

- (1) You must make sure foot-operated controls are located or guarded so that unintentional movement to the "ON" position is unlikely.
- (2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20012 Make sure emergency stop controls meet these requirements. ~~((You must:))~~

- ~~))~~ You must make sure emergency stop controls, if required, meet **all** the following:
- ~~((OR~~ (1) Are red in color.
 - (2) Are easily reached from the operator's normal work position.
 - (3) Are kept in a good working condition.
 - (4) Have to be manually reset before a machine can be restarted.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20014 Control machine vibration. ~~((You must:))~~

- ~~))~~ You must prevent excessive machine vibration that could create a hazard to employees.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20016 Prevent overspeed conditions. ~~((You must:))~~

~~))~~ You must operate tools and equipment within their rated speed.

Note: Actions that could cause an overspeed condition include:

- ~~((OR~~ 1. Installing a more powerful motor.
- ~~))~~ 2. Changing or increasing the power source.
- ~~((OR~~ 3. Changing attachment size or type, such as a blade or wheel.
- ~~))~~ 4. The attachment speed (rpm) and motor speed (rpm) should match.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20018 Make sure hand feeding and retrieval tools meet these requirements. ~~((You must:))~~

- ~~))~~ You must make sure hand feeding and retrieval tools:
- ~~((OR~~ (1) Are suitable for the work to be done.
 - ~~))~~ (2) Do not create a hazard when used.
 - ~~((OR~~ (3) Are of a size and shape that will keep the operator's hands outside the hazardous area.
 - ~~))~~ (4) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:))~~
- ~~))~~ You must make sure power-driven machinery is completely stopped before **either**:
- ~~((OR~~ (1) Making adjustments or repairs; ~~))~~ or
 - (2) 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 PARTS))~~

NEW SECTION

WAC 296-806-20021 Power transmission parts.

You must meet the requirements ...	in this section:
Keep power transmission equipment in good working condition	WAC 296-806-20022

You must meet the requirements ...	in this section:
Inspect power transmission parts	WAC 296-806-20024
Protect employees lubricating moving machinery	WAC 296-806-20026

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:**~~

~~•) (1) You must make sure power transmission parts are kept in good working condition at all times.~~

~~((•) (2) You must keep bearings free from lost motion and well lubricated.~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20024 Inspect power transmission parts. (~~You must:~~

~~•) You must inspect power transmission parts at least once every sixty days to make sure that all:~~

~~((-) (1) Safeguarding meets the requirements of this chapter.~~

~~((-) (2) Parts are in proper alignment.~~

~~((-) (3) Bolts and screws that hold power transmission parts together or support the system are tight.~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20026 Protect employees lubricating moving machinery. (~~You must:~~

(1) You must protect employees who lubricate moving machinery by:

((•) (a) 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.

((•) (b) 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) You must make sure drip cups and pans are securely fastened to the machinery.

~~((SAFEGUARDING REQUIREMENTS))~~

NEW SECTION

WAC 296-806-20027 Safeguarding requirements.

You must meet the requirements ...	in this section:
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 moving surfaces with hazards	WAC 296-806-20040

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20028 Safeguard employees from the point of operation.

~~((IMPORTANT:))~~ **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:

((•) 1. Guards.

((•) 2. Devices.

((•) 3. Safeguarding by distance.

((•) 4. Safeguarding by location.

~~((You must:~~

~~•) You must protect employees from hazards created by the point of operation by using one or more safeguarding methods.~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20030 Safeguard employees from nip or shear point hazards. (~~You must:~~

~~•) You must protect employees from hazards created by nip or shear points by using one or more safeguarding methods.~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20032 Safeguard employees from rotating or revolving parts. (~~You must:~~

•) You must protect employees from hazards created by rotating or revolving parts by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20034 Safeguard employees from reciprocating or other moving parts. (~~You must:~~

•) You must protect employees from hazards created by reciprocating or other moving parts by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20036 Safeguard employees from flying objects. (~~You must:~~

•) You must protect employees from hazards created by flying objects, including chips, sparks, and fluids by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20038 Safeguard employees from falling objects. (~~You must:~~

•) You must protect employees from hazards created by falling objects by using one or more safeguarding methods.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20040 Safeguard employees from moving surfaces with hazards. (~~You must:~~

•) 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 296-806-20041 Safeguarding methods. Guards

You must meet the requirements ...	in this section:
Make sure guards meet these requirements	WAC 296-806-20042

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20042 Make sure guards meet these requirements. (~~You must:~~

•) (1) You must make sure guards do **not** create additional hazards such as sharp edges or pinch points between the guard and moving machine parts.

((•) (2) You must make sure guards are:

((-) (a) Made of durable materials.

((-) (b) Strong enough to withstand the forces to which they are exposed.

((-) (c) Securely fastened to the machine, if possible, or to the building structure if they cannot be attached to the machine.

((•) (3) You must make sure guards protect employees by doing **both** of the following:

((-) (a) Preventing hands or other body parts from reaching through, over, under, or around the guard into the hazard area; (~~AND~~

-) and

(b) Preventing objects or debris from falling onto or being thrown towards an employee.

((•) (4) You must make sure barrier guards:

((-) (a) Are properly installed, adjusted, and maintained.

((-) (b) Have no opening at any point larger than shown in Table 200-1, Largest Allowable Guard Opening.

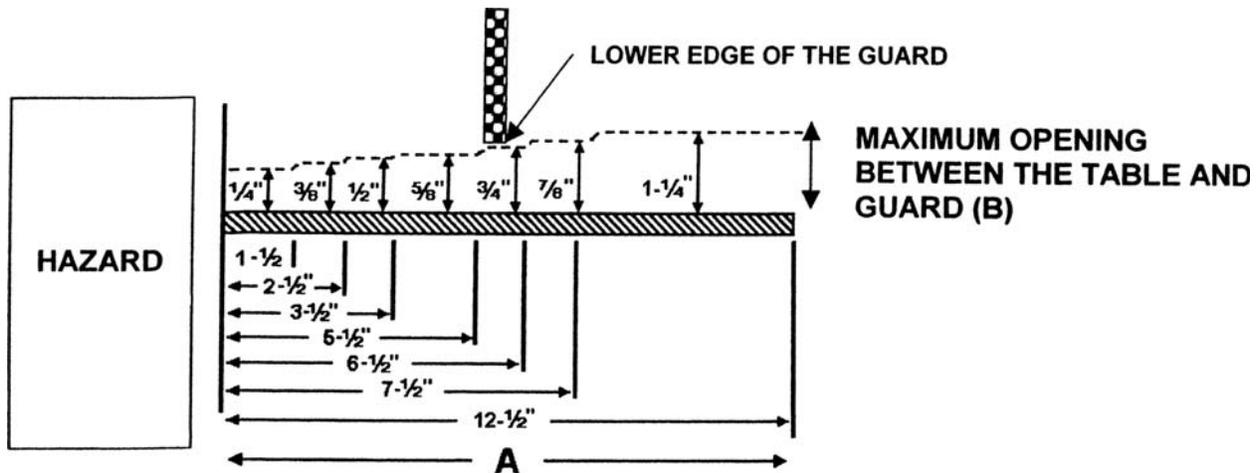
Reference: Metal cutting shears are allowed to be guarded with properly applied awareness barrier safeguarding as described in ANSI B11.4-1993, Sections 6.3.3.

**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))

Reference: For more information on installation of safety devices, see Performance criteria for safeguarding, ANSI B11.19-2003.

NEW SECTION

WAC 296-806-20043 Devices.

You must meet the requirements ...	in this section:
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 pull-back 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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20044 Make sure devices meet these requirements. ((You must:

-) You must make sure devices used to safeguard employees do either of the following:
 - (-) (1) 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~~
 -) or
 - (2) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20046 Make sure light curtains meet these requirements.

~~((IMPORTANT:))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

-) (1) You must make sure light curtains, when used:
 - (-) (a) Respond to the presence of an operator's hand, other body part, or a work piece.
 - (-) (b) 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:~~

-) (2) You must make sure only authorized persons can make the following adjustments to light curtains:
 - (-) (a) Variations in operating conditions.
 - (-) (b) Fixed or channel blanking.
 - (-) (c) Floating blanking (sometimes referred to as floating channel or floating window features).
- (•) (3) You must 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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20048 Make sure pressure-sensitive mats meet these requirements.

~~((IMPORTANT))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC ~~((296-806-2004))~~ 296-806-20044.

~~((You must:~~

•) You must make sure pressure-sensitive mats:

(-) (1) Detect the presence or absence of the operator or others.

(-) (2) Send the stop command and prevent successive machine cycles if any single component fails.

(-) (3) 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.

(-) (4) Are located so that the operator ~~((can not))~~ **cannot** reach the recognized hazard before hazardous motion has stopped.

(-) (5) Have an indicator easily seen by the operator that shows the mat is operating.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20050 Make sure restraint or pull-back devices meet these requirements.

~~((IMPORTANT))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

•) You must make sure restraint or pullback devices:

(-) (1) 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.

(-) (2) 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.

(-) (3) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20052 Make sure two-hand devices meet these requirements.

~~((IMPORTANT))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

•) You must make sure two-hand devices:

(-) (1) Protect each hand device against accidental operation.

(-) (2) Require simultaneous operation of both hand devices to begin the cycle, including the first cycle (automatic mode).

(-) (3) Are provided with an antirepeat feature when used in single cycle mode.

(-) (4) Have a set of devices for each operator if more than one needs to be safeguarded.

(-) (5) Are located far enough from the nearest hazard so the operator ~~((can not))~~ **cannot** 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20054 Make sure devices used with barrier guards meet these requirements.

~~((IMPORTANT))~~ **Important:**

All devices must meet the general requirements for devices found in, Make sure devices meet these requirements, WAC 296-806-20044.

~~((You must:~~

•) (1) You must make sure movable barrier devices:

(-) (a) Return to the open position if they encounter an obstruction while enclosing the hazardous area.

(-) (b) 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.

(•) (2) You must make sure interlocks used with barrier guards do **all** of the following:

(-) (a) Stop hazardous motion of machines when interlocks are open.

(-) (b) Are **not** easily bypassed.

(-) (c) Are designed and installed so that closing the interlocks will not cause a hazard to employees.

~~((DISTANCE))~~

NEW SECTION

WAC 296-806-20055 Distance.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20056 Make sure safeguarding by distance meets these requirements. ~~((You must:~~

•) You must make sure means used to safeguard by distance do both of the following:

- ((-)) (1) Prevent parts or material from falling on employees below; ((AND -)) and
- (2) Separate employees on fixed ladders, stairs, floors, or other walking or working surfaces from the hazard by:
 - ((*) (a) More than seven feet vertically; ((OR -)) or
 - (b) 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))

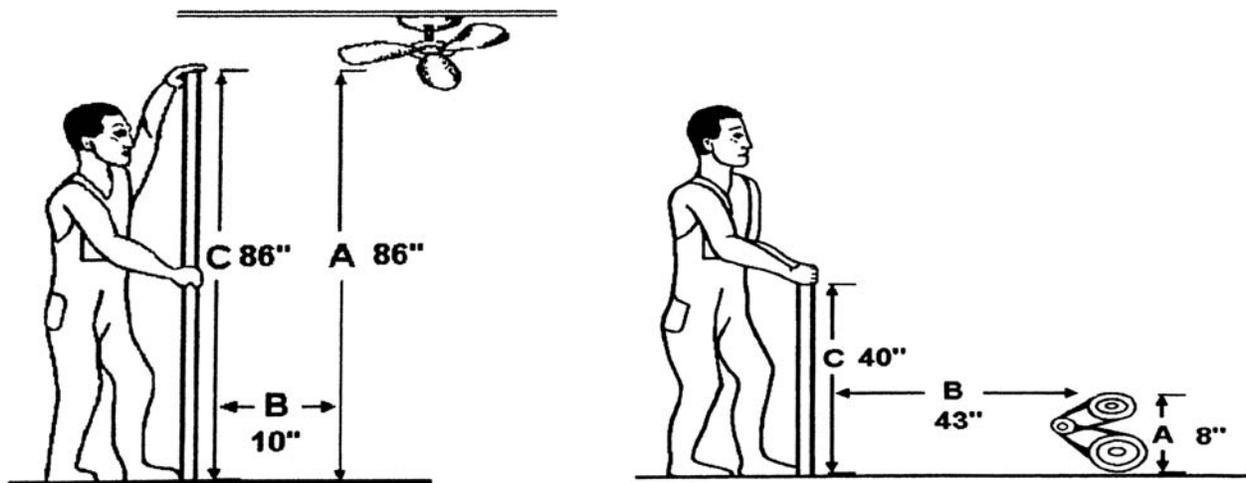
Table 200-2 helps you identify either the required horizontal distance from the hazard to the barricade (B), or the required height of the barricade (C), as long as you know A and either variable, B or C.

**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



Examples:

((*) (1) 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.

((*) (2) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-20058 Make sure guardrails used for safeguarding meet these requirements.

- Note:** Guardrails may be used to safeguard:
- ((*) 1. Flywheels.
 - ((*) 2. Cranks and connecting rods.
 - ((*) 3. Tail rods and extension piston rods.
 - ((*) 4. Horizontal belts in a power generating room.
 - ((*) 5. Clutches, cutoff couplings, or clutch pulleys in an engine room occupied only by an attendant.
 - ((*) 6. Power transmission parts on a runway used only for oiling, maintenance, running adjustment, or repair work.

~~((You must:~~

-)) (1) You must make sure top rails are:
 - ((-) (a) Smooth-surfaced.
 - ((-) (b) Strong enough to withstand a force of at least two hundred pounds.
 - ((-) (c) Between thirty-nine and forty-five inches above the floor, platform, runway, or ramp.
- ((*) (2) You must make sure guardrails have an intermediate rail (midrail) installed approximately halfway between the top rail and the floor, platform, runway, or ramp.
- ((*) (3) You must make sure rails do not extend beyond the end posts of the guardrail and create a projection hazard.
- ((*) (4) You must make sure toe boards, if required by this chapter to safeguard a machinery hazard, are:
 - ((-) (a) At least four inches high.
 - ((-) (b) 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.
 - ((-) (c) 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 296-806-300 Requirements for specific machine hazards.

You must meet the requirements ...	in this section:
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

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30002 Fit arbors and mandrels to the machine. ~~((You must:~~

-)) (1) You must make sure that arbors and mandrels:
 - ((-) (a) Have firm and secure bearing.
 - ((-) (b) Are free from play.
- ((*) (2) You must only place or mount attachments on a machine arbor that have been accurately machined to the correct size and shape.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30004 Safeguard belt and rope drives.

- ~~((Exemption:))~~ **EXEMPTION:**
- ((*) 1. 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:
 - ((-) a. Flat belts that are:
 - ((■) i. One inch wide or less.
 - ((■) ii. Two inches wide or less and have no metal lacings or fasteners.
 - ((-) b. Round belts one-half inch or less in diameter.
 - ((-) c. Single-strand v-belts 13/32 inch wide or less.
 - ((*) 2. 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:
 - ((-) a. Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.
 - ((-) b. Is well lit.
 - ((-) c. Has a dry, level, and firm floor.
 - ((-) d. 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.
 - ((*) 3. You do not need to safeguard belt drives of light or medium duty sewing machines if all of the following apply:
 - ((-) a. It uses either a flat or a round belt without metal lacings and fasteners.
 - ((-) b. The belt is located above the table top.
 - ((-) c. 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.
 - ((-) d. The machine is not used to sew heavy materials such as leather, canvas, denim, or vinyl.
 - ((-) e. 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:))~~

~~*) (1) 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:

- ~~((*) 1. Guards.~~
- ~~((*) 2. Devices.~~
- ~~((*) 3. Safeguarding by distance.~~
- ~~((*) 4. 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:

- ~~((*) 1. Two and one-half inches wide or less.~~
- ~~((*) 2. Running at a speed of less than one thousand feet per minute.~~
- ~~((*) 3. Free from metal lacings or fastenings.~~

~~((You must:))~~

~~*) (2) You must safeguard overhead belts located more than seven feet above the floor or working surface if **any** of the following apply:~~

~~((-) (a) The belt is located over a passageway or work space and travels at a speed of eighteen hundred feet per minute or more.~~

~~((-) (b) The distance between the centers of its pulleys is ten feet or more.~~

~~((-) (c) The belt is wider than eight inches.~~

~~((*) (3) You must 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) A guard along the upper run to keep the belt from contacting the worker or anything they may be carrying;~~

~~((AND~~

~~-)) and~~

~~(b) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30006 Make sure belt or rope drives meet these requirements. ((You must:))

(1) You must use an idler when your machine uses a quarter-twist belt that can run in either direction.

(2) You must 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) You must make sure that a belt shifted by hand is **not** fastened with metal or other material that creates a hazard.

(4) You must 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) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:

- EXEMPTION:
- ~~((*) 1. It was installed on or before August 17, 1971;~~
 - ~~((OR)) or~~
 - ~~((*) 2. The belt and pulley drive meets **all** of these requirements:~~
 - ~~((-) a. The belt is endless or laced with rawhide.~~
 - ~~((-) b. A nip point guard in front of the cone safeguards the nip point of the belt and pulley.~~
 - ~~((-) c. 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) You must provide a permanent mechanical belt shifter on belt drives that use either:

~~((*) (a) Tight and loose (drive and idler) pulleys; ((OR~~

~~*) or~~

~~(b) A cone pulley.~~

(2) You must protect employees from the nip point of the belt and pulley by either:

~~((*) (a) The belt shifter or clutch handle; ((OR~~

~~*) or~~

~~(b) A vertical guard in front of the pulley that extends at least to the top of the largest step of the cone.~~

(3) You must make sure a belt shifter or clutch handle is:

~~((*) (a) Rounded to keep the operator from being injured.~~

~~((*) (b) Easy to reach.~~

~~((*) (c) Positioned to reduce the chance of being accidentally moved.~~

~~((*) (d) Located either:~~

~~((-) (i) Over the machine; ((OR~~

~~-)) or~~

~~(ii) Not higher than six feet six inches above the floor.~~

(4) You must 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:

~~((*) 1. The clutch handle has three positions; ((AND))~~

~~and~~

~~((*) 2. The machine is at rest when the clutch handle is in the center position.~~

~~((You must:))~~

(5) You must 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:

((-) (a) Smooth; (~~AND~~ -)) and

(b) Large enough to grasp securely.

Note: A belt pole is also known as a "belt shipper" or "shipper pole."

~~((You must:))~~

(6) You must provide a locking-type belt shifter or other positive securing device on woodworking machines driven by belts and shafting.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30010 Make sure belt tighteners meet these requirements. (~~You must:~~

*) (1) You must make sure belt tighteners:

((-) (a) Are substantially constructed and securely fastened.

((-) (b) Have bearings that are securely capped.

((-) (c) Have a mechanism to prevent them from falling.

((*) (2) You must make sure belt tighteners used to activate machinery are securely held in the "OFF" position by either:

((-) (a) Gravity; (~~OR~~ -)) or

(b) An automatic mechanism that must be released by hand.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30012 Safeguard cams, connecting rods, tail rods, and extension piston rods. (~~You must:~~

*) (1) 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 safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

((*) 1. Guards.

((*) 2. Devices.

((*) 3. Safeguarding by distance.

((*) 4. Safeguarding by location.

~~((You must:~~

*) (2) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30014 Safeguard chain and sprocket drives.

~~((Exemption:))~~ This section does not apply to hand-operated sprockets.

EXEMPTION:

~~((You must:~~

*) (1) You must enclose chains and sprocket wheels that are seven feet or less above the floor or working surface.

((*) (2) You must make sure chain and sprocket drive enclosures that extend over machine or other working areas protect workers from falling drive parts.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:

((*) 1. Guards.

((*) 2. Devices.

((*) 3. Safeguarding by distance.

((*) 4. Safeguarding by location.

~~((Exemption:))~~

EXEMPTION:

A fan is considered guarded if it meets all of the following requirements:

((-) 1. It is in a basement, tower, or room locked against unauthorized entrance.

((-) 2. 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.

((-) 3. The intensity of illumination must be a minimum of ten foot candles when the area is occupied.

((-) 4. The footing is dry, firm, and level.

((-) 5. The route followed by the oiler or authorized personnel is protected in such a manner as to prevent accident.

((-) 6. The periphery of the fan blade is covered by a shroud.

~~((You must:~~

*) (1) You must protect employees from exposure to the blades of any fan less than seven feet above the floor or working surface.

((*) (2) You must 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 296-806-30017 Flywheels.

You must meet the requirements ...	in this section:
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

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30018 Safeguard flywheels. ((You must:))

•)) (1) You must safeguard flywheels that have any part of the wheel seven feet or less above the floor or working surface with either:

((-) (a) An enclosure; ((OR

-)) or

(b) A guardrail, at least fifteen inches but no more than twenty inches from the rim.

(*) (2) You must 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.

(*) (3) You must 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.

(*) You must 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:

((-) (a) Cover the spokes on the exposed side of the wheel with a disk guard that creates a smooth surface and edge; ((AND

-)) and

(b) Remove or cover keys or other dangerous projections on the wheel that are not covered by the disk guard.

((Exemption:)) ((*) 1. 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.

EXEMPTION:

((*) 2. 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30020 Safeguard gears. ((You must:))

•)) 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:
 ((*) 1. Guards.
 ((*) 2. Devices.
 ((*) 3. Safeguarding by distance.
 ((*) 4. 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.
EXEMPTION:

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30022 Safeguard projections on moving parts. ((You must:))

•)) You must safeguard projections on moving parts such as keys, setscrews, bolts, and nuts, by:

((-) (1) Removing them.

((-) (2) Making them flush.

((-) (3) Guarding with metal covers.

((Exemption:)) This requirement does not apply to keys or setscrews that are:

EXEMPTION:

((*) 1. Within an enclosure.

((*) 2. Below the plane of the rim of a pulley that is less than twenty inches in diameter.

((*) 3. Located where employee contact is not possible.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30024 Safeguard pulleys. ((You must:))

•)) 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:
 ((*) 1. Guards.
 ((*) 2. Devices.
 ((*) 3. Safeguarding by distance.
 ((*) 4. 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:

EXEMPTION:

((*) 1. Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.

((*) 2. Is well lit.

((*) 3. Has a dry, level, and firm floor.

((*) 4. 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30026 Make sure pulleys meet these requirements. ((You must:))

(1) You must make sure pulleys are designed and balanced for the speed at which they operate.

(2) You must make sure **not** to use pulleys that are cracked or have a piece broken out of the rim.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30028 Safeguard revolving drums, barrels, and containers. ~~((You must:~~

•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30030 Safeguard shafting.

~~((Exemption:))~~ 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:

((•) 1. Is controlled by lock and key or has similarly restricted access that allows only authorized persons to enter.

((•) 2. Is well lit.

((•) 3. Has a dry, level, and firm floor.

((•) 4. 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:~~

•)) (1) You must enclose shafting that is seven feet or less above the floor or working surface.

((•) (2) You must make sure projecting shaft ends either:

((-) (a) Have a smooth edge, smooth end, and project no more than one-half the diameter of the shaft; ~~((OR~~

-)) or

(b) Are guarded by a nonrotating cap or safety sleeve.

((•) (3) You must safeguard shafting under a bench or table by enclosing it in a stationary casing or by using a trough with sides that both:

((-) (a) 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~~

-)) and

(b) Extend two inches beyond the end of the shafting.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30032 Make sure shafting meets these requirements. ~~((You must:))~~

(1) You must keep shafting free of:

((•) (a) Excessive oil or grease.

((•) (b) Rust or pitting from corrosion.

(2) You must secure shafting against excessive endwise movement.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30034 Safeguard unused keyways. ~~((You must:~~

•)) 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:

((•) 1. Guards.

((•) 2. Devices.

((•) 3. Safeguarding by distance.

((•) 4. Safeguarding by location.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30036 Make sure revolving collars meet these requirements. ~~((You must:~~

•)) (1) You must make sure revolving collars are cylindrical.

((•) (2) You must make sure screws or bolts used in the collar do **not** project beyond the outside of the collar.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-30038 Safeguard counterweights. ~~((You must:~~

•)) 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 safeguarding methods, WAC 296-806-20042 through 296-806-20058. Examples of safeguarding methods include:

((•) 1. Guards.

((•) 2. Devices.

((•) 3. Safeguarding by distance.

((•) 4. Safeguarding by location.

~~((ADDITIONAL REQUIREMENTS FOR SOME MACHINES AND MACHINE OPERATIONS))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-400 ((Summary:)) Additional requirements for some machines and machine operations.

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))

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

**WAC 296-806-405 ((Summary.)) Abrasive wheels.
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.

~~((Exemption.))~~ This rule does not apply to natural sandstone wheels and metal, wooden, cloth or paper discs having a layer of abrasive on the surface.
EXEMPTION:

~~((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.))~~

<u>Requirements for this topic ...</u>	<u>are in this part:</u>
<u>Abrasive wheels</u>	<u>WAC 296-806-405</u>
<u>Calenders</u>	<u>WAC 296-806-410</u>
<u>Compactors</u>	<u>WAC 296-806-415</u>
<u>Conveyors</u>	<u>WAC 296-806-420</u>
<u>Food processing equipment</u>	<u>WAC 296-806-425</u>
<u>Forging machines</u>	<u>WAC 296-806-430</u>
<u>Garbage (waste) disposals</u>	<u>WAC 296-806-435</u>
<u>Glue spreaders</u>	<u>WAC 296-806-440</u>
<u>Ironworkers</u>	<u>WAC 296-806-445</u>
<u>Lathes</u>	<u>WAC 296-806-450</u>
<u>Mechanical power presses</u>	<u>WAC 296-806-455</u>
<u>Mills</u>	<u>WAC 296-806-460</u>
<u>Press brakes</u>	<u>WAC 296-806-465</u>
<u>Roll-forming and bending machines</u>	<u>WAC 296-806-470</u>
<u>Sanding machines</u>	<u>WAC 296-806-475</u>
<u>Saws and cutting heads</u>	<u>WAC 296-806-480</u>
<u>Sewing machines</u>	<u>WAC 296-806-485</u>

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure abrasive wheels and machines are properly designed and constructed</u>	<u>WAC 296-806-40502</u>
<u>Make sure machines have safety guards</u>	<u>WAC 296-806-40504</u>
<u>Make sure safety guards meet specific requirements</u>	<u>WAC 296-806-40506</u>
<u>Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders</u>	<u>WAC 296-806-40508</u>
<u>Use a work rest for off-hand grinding</u>	<u>WAC 296-806-40510</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40502 Make sure abrasive wheels and machines are properly designed and constructed. ((You must:

•) (1) 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.

(*) (2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40504 Make sure machines have safety guards. ((You must:

•) (1) You must use abrasive wheels only on machines that have safety guards.

(*) (2) You must make sure the safety guard:

(-) (a) Is mounted so it maintains proper alignment with the wheel.

(-) (b) Is mounted with fasteners strong enough to keep the guard in position if a wheel breaks.

(-) (c) Covers the spindle end, nut, and flange projections.

~~((Exemption:))~~ **EXEMPTION:** Safety guards are not required on machines that use:

(*) 1. Wheels for internal grinding while advancing, retracting or within the work.

(*) 2. Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls where either:

(-) a. The work offers protection; ~~((or))~~ or

(-) b. The size does not exceed three inches in diameter by five inches long.

(*) 3. Notched, segmented, or continuous rim metal centered diamond lapidary wheels that are:

(-) a. Used with a coolant deflector; ~~((AND))~~ and

(-) b. Operated at 3,500 SFPM or less.

(*) 4. Type 1 reinforced wheels that are:

(-) a. Three inches or less in diameter.

(-) b. One-fourth inch or less thick.

(-) c. Operating at peripheral speeds of 9,500 SFPM or less.

(-) d. Used by operators wearing safety glasses and face shields.

(*) 5. Valve seating grinding wheels.

(*) 6. Remotely operated machines in an enclosure that will retain the pieces of a broken wheel.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40506 Make sure safety guards meet specific requirements. ((You must:

•) 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: (*) 1. 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.

(*) 2. 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)) <u>65</u> degrees above the horizontal centerline of the wheel • ((One-fourth (ninety degrees))) <u>1/4 (90 degrees)</u> of the wheel for grinding done at or above the horizontal centerline of the wheel • ((One hundred twenty-five)) <u>125</u> 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))) <u>1/2 (180 degrees)</u> of the wheel • Not higher than ((sixty-five)) <u>65</u> degrees above the horizontal centerline of the wheel

Machine	Maximum exposure angle and other guard restrictions
Surface grinders	<ul style="list-style-type: none"> • ((One hundred fifty)) 150 degrees of the wheel • Not higher than ((fifteen)) 15 degrees below the horizontal
Cutting-off machines	<ul style="list-style-type: none"> • ((One half (one hundred eighty degrees))) 1/2 (180 degrees) of the wheel
Swing frame grinders	<ul style="list-style-type: none"> • ((One half (one hundred eighty degrees))) 1/2 (180 degrees) of the wheel • Encloses the top ((one half)) 1/2 of the wheel
Swing frame grinders using cup wheels	<ul style="list-style-type: none"> • ((One half (one hundred eighty degrees))) 1/2 (180 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))) 1/2 (180 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))) 1/6 (60 degrees) of the wheel

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40508 Provide a tongue guard on bench, pedestal, floorstand, and cylindrical grinders. ~~((You must:~~

•)) 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.))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40510 Use a work rest for off-hand grinding.

~~((Exemption:))~~ You do not need to use a work rest if:

EXEMPTION:

~~((*)~~ 1. The size, shape, weight or finishing area of the workpiece prevents its use; ~~((or))~~ or

~~((*)~~ 2. Contact with the grinding wheel below the horizontal plane of the spindle is necessary.

~~((You must:~~

-)) (1) You must use a work rest to support the work.
- ~~((*)~~ (2) You must make sure the work rest is:
 - ~~((-))~~ (a) Rigidly constructed.
 - ~~((-))~~ (b) Adjustable to compensate for wheel wear.
 - ~~((-))~~ (c) Adjusted only when the wheel is stopped.
 - ~~((-))~~ (d) Securely clamped after each adjustment.
 - ~~((-))~~ (e) Kept within one-eighth inch of the wheel.

NEW SECTION

WAC 296-806-40511 Mounting abrasive wheels.

You must meet the requirements ...	<u>in this section:</u>
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40512 Make sure abrasive wheels are safe to use. ~~((You must:~~

•)) (1) You must do the following before mounting a wheel:

- ~~((-))~~ (a) Visually inspect the wheel for cracks or damage.
- ~~((-))~~ (b) Perform a ring test for cracks if the size and shape of the wheel permits testing.
- ~~((-))~~ (c) Make sure the spindle speed of the machine is not greater than the operating speed of the wheel.

~~((*)~~ (2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40514 Mount wheels properly. ((You must:))

(1) You must make sure wheels fit freely on the spindle, wheel sleeves, or adaptors, and remain free under all grinding conditions.

(2) You must make sure wheel, blotter and flange surfaces that contact each other are flat and free of foreign particles.

(3) You must make sure any reducing bushing used in the wheel hole:

((*) (a) Fits freely on the spindle and maintains proper clearance; (~~AND~~

*) and

(b) Does not exceed the width of the wheel or contact the flanges.

(4) You must make sure that multiple wheels mounted between a single set of flanges are either:

((*) (a) Cemented together; (~~OR~~

*) or

(b) Separated by spacers that have a diameter and bearing surface that is the same as the mounting flanges.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40516 Use proper flanges. ((You must:))

(*) (1) 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:

- (*) 1. Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- (*) 2. Abrasive disc wheels (inserted nut, inserted washer and projecting stud type).
- (*) 3. Plate mounted wheels.
- (*) 4. Cylinder, cup, or segmental wheels mounted in chucks.
- (*) 5. Types 27, 28, and 29 wheels.
- (*) 6. Internal wheels less than two inches in diameter.
- (*) 7. Modified Type 6 and 11 wheels (terrazzo).
- (*) 8. Types 1 and 27A cutting-off wheels.

~~((You must:))~~

(*) (2) You must make sure flanges are:

((-) (a) Dimensionally accurate.

((-) (b) Properly balanced.

((-) (c) Flat.

((-) (d) Free of rough surfaces or sharp edges.

(*) (3) You must make sure the driving flange is:

((-) (a) Part of the spindle; (~~OR~~

-) or

(b) Securely fastened to the spindle.

(*) (4) You must make sure, if a wheel is mounted between two flanges, that both flanges:

((-) (a) Are the same diameter; (~~AND~~

-) and

(b) Have equal bearing surfaces.

~~((Exemption:))~~ The following wheels do not require same diameter, equal bearing surface flanges:

- (*) 1. Types 27, 28, and 29 wheels with adaptors.
- (*) 2. Modified Types 6 and 11 wheels with tapered K dimension.
- (*) 3. Internal wheels less than two inches in diameter.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40518 Make sure flanges are in good condition. ((You must:))

(*) (1) You must make sure flange bearing surfaces are in good condition.

(*) (2) You must replace or remachine a flange with a mounting surface that has any of the following problems:

((-) (a) Warped.

((-) (b) Burred on the bearing surface.

((-) (c) Excessively worn (thickness or diameter).

((-) (d) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40520 Use specific flanges for Type 1 cutting-off wheels. ((You must:))

(*) You must mount Type 1 cutting-off wheels between flanges that are:

((-) (1) Properly relieved with matching bearing surfaces.

((-) (2) At least one-fourth the wheel diameter.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40522 Use specific flanges for Type 27A cutting-off wheels. ((You must:))

(*) You must mount Type 27A cutting-off wheels between flanges that are:

((-) (1) Flat (unrelieved) with matching bearing surfaces; (~~AND~~

-) and

(2) At least one-fourth the wheel diameter.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40524 Use blotters when required.

~~((Exemption:))~~ You do not need to use a blotter with any of the following:

- (*) 1. Mounted wheels (wheels permanently bonded to a shaft or mandrel).
- (*) 2. Abrasive disc and Type 2 wheels which are mounted by inserted nuts, inserted washers, or projecting studs.
- (*) 3. Plate mounted wheels.
- (*) 4. Wheels mounted in chucks (such as cylinders and segmental wheels).

- (*) 5. Types 27, 28, and 29 wheels.
- (*) 6. Type 1 and Type 27A cutting-off wheels.
- (*) 7. Internal wheels less than two inches in diameter.
- (*) 8. Diamond and cubic boron nitride wheels with metal or carbon fiber cores.

~~((You must:))~~

*) (1) You must use a blotter between each flange and the abrasive wheel surface to uniformly distribute flange pressure.

(*) (2) You must make sure the blotter covers the entire flange contact area.

(*) (3) You must use a new blotter each time a wheel is mounted unless the wheel has a blotter already attached to it by the manufacturer.

(*) (4) You must make sure scuffed or damaged blotters are not used.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-40526 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo). ~~((You must:))~~

*) You must apply the blotter to the flat side only when mounting Modified Types 6 and 11 wheels (terrazzo).

~~((Calenders))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-410 ((Summary:)) Calenders.

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 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.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Provide calender safety controls</u>	<u>WAC 296-806-41002</u>
<u>Follow these stopping limit requirements for calenders</u>	<u>WAC 296-806-41004</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:

EXEMPTION:

(*) 1. Cannot reach through, over, under, or around to come in contact with the roll bite; ~~((OR))~~ or

(*) 2. Cannot be caught between a roll and nearby objects.

~~((You must:))~~

(1) You must provide a safety trip control for the face of the calender that meets **all** of the following:

(*) (a) Provided in front and back of each calender.

(*) (b) Is accessible.

(*) (c) Operates readily upon contact.

(2) You must provide **at least one** of the following safety trip controls for the face of the calender:

(*) (a) Safety trip rods, tripwire cables or wire center cords that:

(-) (i) Are within reach of the operator and the bite (nip point).

(-) (ii) Operate whether pushed or pulled.

(-) (iii) Are located across each pair of in-running rolls extending the length of the face of the rolls.

(*) (b) Pressure sensitive body bars that:

(-) (i) Are approximately forty inches vertically above the working level.

(-) (ii) Are horizontally at thirty-four inches from the in-running nip point.

(-) (iii) Operate readily by pressure of the mill operator's body.

(3) You must include safety trip rods, cables or cords, in addition to the pressure sensitive body bars, if **both** of these apply:

(*) (a) In-running rolls are located below the bar; ~~((AND))~~ *) and

(b) The operator needs to duck under the bar.

(4) You must provide a safety cable or wire center cord on both sides of the calender that:

(*) (a) Operates readily when pushed or pulled.

(*) (b) Is connected to the safety trip.

Note:

(*) The center cord should be **all** of the following:

(-) 1. Twelve inches or less from the faces of the individual rolls.

(-) 2. At least two inches from the calender frame.

(-) 3. Anchored to the frame not more than six inches from the floor or operator's platform.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-41004 Follow these stopping limit requirements for calenders. ~~((You must:))~~

*) 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))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-415 ~~((Summary-))~~ Compactors.

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.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Safeguard hazardous moving parts of stationary compactors</u>	<u>WAC 296-806-41502</u>
<u>Follow these requirements for compactor controls</u>	<u>WAC 296-806-41504</u>
<u>Follow these requirements for compactor access doors and covers</u>	<u>WAC 296-806-41506</u>
<u>Follow these requirements for compactors that cycle automatically</u>	<u>WAC 296-806-41508</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-41502 Safeguard hazardous moving parts of stationary compactors. ~~((You must:~~

*) (1) You must prevent the compactor from operating while employees have any body parts in the compactor or hazard area.

((*) (2) You must 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:

- ((*) 1. Making sure the compactor will not compact material while the gate or door is open.

- ((*) 2. Installing a guard, loading hopper, or enclosure at least forty-two inches high that prevents:
 - ((-) a. Entry of hands, fingers, or any body part into the loading chamber during operation.
 - ((-) b. An operator from being caught between moving parts of the equipment and material.
 - ((-) c. The creation of any hazard between the guard and moving parts.
- ((*) 3. 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-41504 Follow these requirements for compactor controls. ~~((You must:~~

*) You must follow these requirements for compactor controls:

((-) (1) Each control must have its function clearly labeled.

((-) (2) Controls must be designed and located to prevent them from unintentionally activating.

((-) (3) Electric stop buttons, including emergency stop buttons, must be

*) red in color, distinguishable from all other controls by size, and not recessed.

((-) (4) Emergency stop controls must be either:

*) (a) Readily accessible to the operator; ~~((OR~~

*) or

(b) 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.

((-) (5) An electrical disconnect must be located within sight, no more than fifty feet (1,524 cm), from the operating control panel.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-41506 Follow these requirements for compactor access doors and covers. ~~((You must:~~

*) (1) You must make sure access covers meet at least one of the following:

((-) (a) Interlocked.

((-) (b) Secured by a lockable device.

((-) (c) Removable by hand tools only.

((*) (2) Make sure any loading chamber access door has an interlock system that prevents cycling motion when the door is open.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-41508 Follow these requirements for compactors that cycle automatically. ~~((You must:~~

a) You must use automatic cycling controls only on compactors where the loading chamber is located so that it cannot be accessed during operation.

((CONVEYORS))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-420 ((Summary-)) Conveyors.

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.

EXEMPTION:

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.)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Follow these requirements for conveyors</u>	<u>WAC 296-806-42002</u>
<u>Provide emergency stops on conveyors</u>	<u>WAC 296-806-42004</u>
<u>Label conveyor controls</u>	<u>WAC 296-806-42006</u>
<u>Prohibit riding on conveyors</u>	<u>WAC 296-806-42008</u>
<u>Provide safe access to conveyors</u>	<u>WAC 296-806-42010</u>
<u>Provide backstop or antirun-away devices to incline, decline, or vertical conveyors</u>	<u>WAC 296-806-42012</u>
<u>Make only safe alterations to conveyors</u>	<u>WAC 296-806-42014</u>
<u>Inspect and replace worn conveyor parts</u>	<u>WAC 296-806-42016</u>
<u>Follow these requirements for replacing conveyor parts</u>	<u>WAC 296-806-42018</u>
<u>Follow these requirements for spill guards</u>	<u>WAC 296-806-42020</u>
<u>Provide pedestrian overpasses for conveyors</u>	<u>WAC 296-806-42022</u>
<u>Guard openings to hoppers and chutes</u>	<u>WAC 296-806-42024</u>
<u>Install guideposts</u>	<u>WAC 296-806-42026</u>

GENERAL REQUIREMENTS FOR CONVEYORS

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42002 Follow these requirements for conveyors. (~~You must:~~

•) (1) You must construct, operate, and maintain all conveyors according to this chapter and the American National Standards Institute (ANSI) B20.1-1957.

(*) (2) You must make sure all new conveyors constructed after January 1, 2005, meet the requirements of the American Society of Mechanical Engineers (ASME) B20.1-1996.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42004 Provide emergency stops on conveyors. (~~You must:~~

•) (1) You must make sure each conveyor has an emergency stopping device such as an emergency stop button, pull cord, or similar device.

(*) (2) You must make sure each emergency stopping device meets all of the following requirements. They must:

(-) (a) Stop the conveyor a safe distance from the hazard.

(-) (b) Be easily identified.

(-) (c) Directly control that conveyor.

(-) (d) Require a manual reset.

(-) (e) NOT be overridden from another location.

(-) (f) NOT require other equipment to be stopped in order to stop the conveyor.

(*) (3) You must 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:

(-) (a) Under the continuous control of an operator who cannot fall onto the conveyor and has full view of the material entrance; (~~OR~~

-) or

(b) Located where it can be reached from a sitting position on the conveyor where it feeds or dumps into the hazardous machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42006 Label conveyor controls. (~~You must:~~

•) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42008 Prohibit riding on conveyors. (~~You must:~~

•) You must prohibit employees from riding on conveyors.

(~~Exemption:~~) **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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42010 Provide safe access to conveyors. (~~You must:~~

•) 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:
(*) 1. Lockout/tagout (control of hazardous energy), chapter 296-803 WAC.
(*) 2. Personal fall arrest systems, WAC 296-24-88050.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42012 Provide backstop or antirunaway devices on incline, decline, or vertical conveyors. ~~((You must:~~

•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42014 Make only safe alterations to conveyors. ~~((You must:~~

•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42016 Inspect and replace worn conveyor parts. ~~((You must:~~

•)) You must carefully inspect and replace any conveyor part that shows signs of significant wear before it becomes a hazard.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42018 Follow these requirements for replacing conveyor parts. ~~((You must:~~

•)) You must make sure replacement conveyor parts are equal to or exceed the manufacturer's specifications.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42020 Follow these requirements for spill guards. ~~((You must:~~

•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42022 Provide pedestrian overpasses for conveyors. ~~((You must:~~

•)) (1) You must provide a pedestrian overpass covering the full width of a passageway if **one** of these conditions exists:

((-) (a) The working strand of a conveyor crosses within three feet of floor level.

((-) (b) Workers must step over the strand and trough at or below floor level.

((•)) (2) You must 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:

((•)) (a) The overpass is more than four feet high.

((•)) (b) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42024 Guard openings to hoppers and chutes. ~~((You must:~~

•)) (1) You must guard all openings to hoppers, chutes, and elevator-type conveyors to prevent workers from:

((-) (a) Falling or stepping into them.

((-) (b) 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:~~

•)) (2) 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:

((-) (a) Place a temporary guardrail around ground or floor-level hoppers when dumping operations are **not** in progress.

((-) (b) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42026 Install guideposts. ~~((You must:~~

•)) You must install guideposts to direct employees driving trucks, loaders, or other equipment to the pit, hopper, or chute.

((BELT CONVEYORS))

NEW SECTION

WAC 296-806-42027 Belt conveyors.

You must meet the requirements ...	in this section:
Guard nip points on belt conveyors	WAC 296-806-42028
Install emergency stop controllers on overland belt conveyors	WAC 296-806-42030

You must meet the requirements ...	in this section:
Install belt conveyor overpasses	WAC 296-806-42032

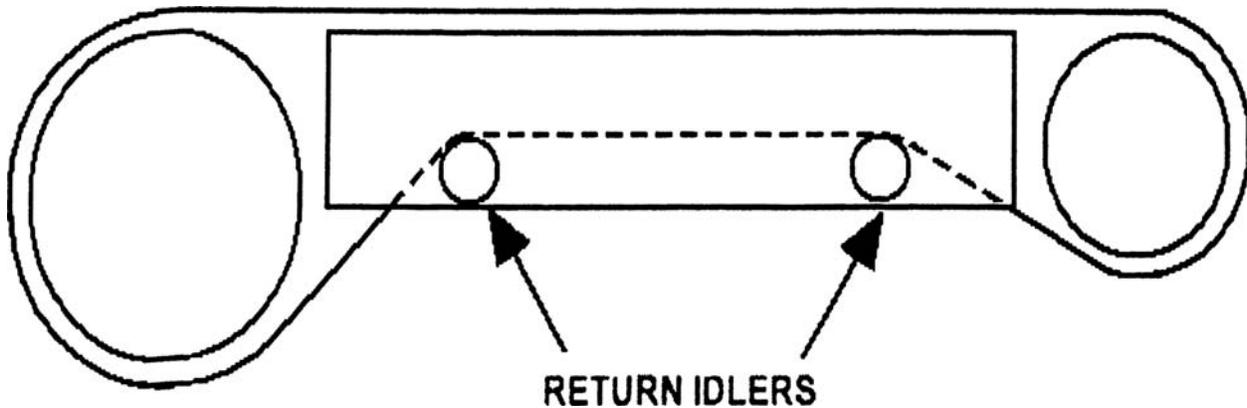
AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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.

EXEMPTION:

Return-belt idlers



These turn freely and just idle.

~~((You must:~~

-) You must place nip point guards at **all** of these points:
- (-) (1) Where the belt wraps around the pulley.
- (-) (2) At terminals, take-ups, and snub rollers where the belt changes directions at transfers and deflectors.
- (-) (3) At the discharge end.
- (-) (4) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42030 Install emergency stop controllers on overland belt conveyors. ~~((You must:~~

•) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42032 Install belt conveyor overpasses. ~~((You must:~~

•) 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 CONVEYORS))~~

NEW SECTION

WAC 296-806-42033 Chain conveyors.

You must meet the requirements ...	in this section:
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

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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42034 Safeguard chain conveyors. ~~((You must:~~

•) You must provide safeguards for drive, tail, and idler sprocket pulleys where the chain creates a nip or shear point.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42036 Guard return strands on chain conveyors. ~~((You must:~~

•) (1) You must provide a way to catch and support the ends of a chain that break over a passageway.

(•) (2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42038 Guard chain conveyors that are used as a transfer mechanism. (~~You must:~~

•) You must guard chain conveyors whose moving chains cannot be enclosed without impairing their function by **one** of the following methods:

((-) (1) Distance as required in, Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.

((-) (2) Personnel barriers.

((-) (3) Warning signs where personnel barriers are not practical.

Note: Chain conveyors with moving chains that cannot be enclosed include those:

(•) 1. Mounted within another conveyor.

(•) 2. Raised and lowered as a transfer mechanism.

~~((ELEVATOR CONVEYORS))~~

NEW SECTION

WAC 296-806-42039 Elevator conveyors.

You must meet the requirements ...	in this section:
Prevent material from falling off of elevator conveyors	WAC 296-806-42040

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42040 Prevent material from falling off of elevator conveyors. (~~You must:~~

•) (1) 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.

(•) (2) You must 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 296-806-42041 Inclined reciprocating conveyors (shakers).

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42042 Provide protection where employees must load shakers. (~~You must:~~

•) (1) 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.

(•) (2) You must make sure controls are located so the conveyor cannot be started by an employee on the moving part of the conveyor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42044 Provide grating over silo and bunker openings for shuttle conveyors. (~~You must:~~

•) You must provide grating with openings to match the size of the material being discharged into silos or bunkers. Make sure openings are:

((-) (1) Small enough so that workers cannot fall through.

((-) (2) Protected by other effective means if the material size requires openings large enough for a worker to fall through.

~~((MOBILE CONVEYORS))~~

NEW SECTION

WAC 296-806-42045 Mobile conveyors.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42046 Guard wheels and rails on mobile conveyors. (~~You must:~~

•) You must install sweeps in front of the nip points created by the wheels and rails to deflect objects that could derail the conveyor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42048 Prevent hazardous motion on mobile conveyors. (~~You must:~~

•) (1) You must make sure mobile conveyors have at least one of the following to prevent hazardous motion:

- (-) (a) Brakes.
- (-) (b) Rail clamps.
- (-) (c) Other position-locking devices.

(•) (2) You must provide limit switches that will stop travel when exceeding the design limits of rail-mounted mobile conveyors.

(•) (3) You must provide rail stops to keep the conveyor from traveling past its designed end location.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42050 Provide a detector for mobile conveyors. (~~You must:~~

•) You must provide a detector to stop conveyor movement when the operation creates a danger of running into a stockpile or other obstacle.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42052 Provide safe access on mobile conveyors. (~~You must:~~

•) 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 296-806-42053 Push-bar conveyors.

You must meet the requirements ...	in this section:
Guard pusher-bar conveyors	WAC 296-806-42054

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42054 Guard pusher-bar conveyors. (~~You must:~~

•) You must provide a guard when hazards exist at each of these points:

- (-) (1) At the discharge point where the bar passes through the bed.
- (-) (2) Where there is a shear point between the return pusher bar and a frame member.

((ROLLER CONVEYORS))

NEW SECTION

WAC 296-806-42055 Roller conveyors.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42056 Prohibit walking on roller-type conveyors. (~~You must:~~

•) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42058 Use speed controls for roller and wheel conveyors. (~~You must:~~

•) (1) You must avoid safety hazards created by unit or package speeds by one of the following methods:

- (-) (a) Limiting the length of the sloped run.
- (-) (b) Using speed retarders or brakes.
- (-) (c) Other means of providing speed control.

(•) (2) You must make sure rollers and wheels are free running to prevent locked wheels from steering or pulling materials to one side or off the conveyor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42060 Safeguard belt-driven live roller conveyors. (~~You must:~~

•) You must guard belt and roller nip points by one of the following methods:

- (-) (1) Space load-carrying rollers to prevent access to the belt and roller nip points.
- (-) (2) Insert rods or plates between the rollers to prevent access to the belt and roller nip points.
- (-) (3) Use rollers that pop out when something contacts the nip point.

(-) (4) Distance safeguarding found in: (•) Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.

Reference: For nip points and sheer hazards on power-driven (live) roller conveyors see, Guard nip points on belt conveyors, WAC 296-806-42028.

~~((SCREW CONVEYORS))~~

NEW SECTION

WAC 296-806-42061 Screw conveyors.

You must meet the requirements ...	in this section:
Guard screw conveyors	WAC 296-806-42062

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42062 Guard screw conveyors. (~~You must:~~

***) (1) You must** enclose the rotating screw to prevent contact with the shear points where it passes the sides of the trough or casing.

(*) (2) You must guard screw conveyors requiring an open housing by using **one** of the following:

(-) (a) Make sure safeguarding by distance meets these requirements, WAC 296-806-20056.

(-) (b) Make sure guardrails used for safeguarding meet these requirements, WAC 296-806-20058.

(*) (3) You must 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 296-806-42063 Skip hoists.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42064 Provide slack-cable switches on hoists. (~~You must:~~

***) 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:

(-) (1) Develop slack; ~~((OR~~
~~-)) or~~

(2) Lose tension due to sticking in the guides, over travel, or for any other reason.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42066 Block the skip bucket and counterweight guides. (~~You must:~~

***) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42068 Protect against wire rope coming off sheaves. (~~You must:~~

***) 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 296-806-42069 Slat and roller-slat conveyors.

You must meet the requirements ...	in this section:
Safeguard slat and roller-slat conveyors	WAC 296-806-42070

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42070 Safeguard slat and roller-slat conveyors. (~~You must:~~

***) (1) 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) A guard over the hazardous tail end; ~~((OR~~
~~-)) or~~

(b) Warning signs if guards are impractical because of material flowing over the tail sprocket.

(*) (2) You must 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) A continuous pan under the slats; ~~((OR~~
~~-)) or~~

(b) Keep all cross members a safe distance from the slats.

~~((TOWED CONVEYORS))~~

NEW SECTION

WAC 296-806-42071 Towed conveyors.

You must meet the requirements ...	in this section:
Provide a safe method for disengaging the tow pin	WAC 296-806-42072

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42072 Provide a safe method for disengaging the tow pin. ~~((You must: ♣))~~ You must provide a method for the operator to disengage the tow pin from a conveyor pusher without being in front of the cart.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42074 Protect employees from moving carts on towed conveyors. ~~((You must: ♣))~~ You must make sure runaway carts are unable to exit ramps and enter work areas.
 ((♣) (2) You must have a barrier of sufficient strength and height on ramps with pedestrian or traffic aisles to prevent a runaway cart from entering the aisle.
 ((♣) (3) You must have signs warning employees not to enter ramps that do not have pedestrian or traffic aisles.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42076 Provide clearances and warnings for carts on towed conveyors. ~~((You must: ♣))~~ You must provide clearance space for personnel in all of the following:
 ((-) (a) Between the sides of carts.
 ((-) (b) Between any load overhanging the side of a cart.
 ((-) (c) Any fixed or moving object.
 ((♣) (2) You must identify the cart path with floor stripes that are:
 ((-) (a) Parallel to the cart path.
 ((-) (b) Arranged so one line is on each side of the path.
 ((-) (c) Located a safe distance from the edge of the cart or overhanging load.
 ((♣) (3) You must 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: ♣))~~ 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: ♣))~~ (5) You must install a sign, signal, or other warning where carts start automatically.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42078 Mark projections above the floor. ~~((You must: ♣))~~ 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))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-425 ((Summary-)) Food processing equipment.

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:

((♣) (1) All businesses that manufacture or process food, whether or not they are contained inside food stores; ~~((AND ♣))~~ and
 (2) 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 sheers
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-stiek 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.))

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Provide locks on chamber doors of large air conditioning units</u>	<u>WAC 296-806-42502</u>
<u>Use proper door locks on rack-type bread coolers</u>	<u>WAC 296-806-42504</u>
<u>Provide see-through panels on fermentation room doors</u>	<u>WAC 296-806-42506</u>
<u>Cover exposed hot pipes</u>	<u>WAC 296-806-42508</u>
<u>Provide extension piping on stationary lubrication fittings</u>	<u>WAC 296-806-42510</u>
<u>Provide hoods for pan-washing tanks</u>	<u>WAC 296-806-42512</u>
<u>Safeguard proof boxes</u>	<u>WAC 296-806-42514</u>
<u>Safeguard storage bins</u>	<u>WAC 296-806-42016</u>

((FACILITIES))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42502 Provide locks on chamber doors of large air conditioning units. ((You must: *
•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42504 Use proper door locks on rack-type bread coolers. ((You must:

•) You must make sure all door locks can be operated from both inside and outside the bread cooler.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42506 Provide see-through panels on fermentation room doors. (~~You must:~~

•) You must provide shatterproof, see-through panels, made of wire glass or plastic, on fermentation room doors.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42508 Cover exposed hot pipes. (~~You must:~~

•) You must cover exposed hot (160°F or more) water and steam pipes with insulating material wherever necessary to prevent employee contact.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42510 Provide extension piping on stationary lubrication fittings. (~~You must:~~

•) You must provide extension piping on stationary lubrication fittings to prevent workers from reaching into the hazardous area when lubricating moving machinery.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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.
EXEMPTION:

~~(You must:~~

•) You must provide power-ventilated exhaust hoods over the tank.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42514 Safeguard proof boxes. (~~You must:)~~

(1) You must make sure all door locks can be operated from both inside and outside the proof box.

(2) You must 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.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-806-42516 Safeguard storage bins.

~~(Exemption:)~~ This requirement does not apply to under-the-counter ingredient bins found in retail stores.
EXEMPTION:

~~(You must:)~~

(1) You must provide locks or latches to keep storage bin covers closed, and gaskets or other equivalent devices, to make sure covers are dust tight.

(2) You must 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) You must provide a standard stationary safety ladder on the inside and outside of storage bins with sides more than five feet deep.

(•) (a) The ends of ladders must be kept away from moving screw conveyors.

(•) (b) Outside ladders must reach from floor level to the top of the bin.

(•) (c) Inside ladders must reach from the top of the bin to the bottom of the bin.

(4) You must 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 chapter 296-809 WAC, Confined spaces.

~~(MATERIAL HANDLING)~~

NEW SECTION

WAC 296-806-42517 Material handling.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42518 Follow these design requirements for bag lifts (bag arm elevators) and chutes. (~~You must:)~~

(1) You must make sure bag arm elevators with manual takeoff are designed to include:

(•) (a) Maximum operating capacity of seven bags per minute.

(•) (b) Spacing of arms on the conveyor chain to obtain the full capacity of the elevator with the lowest possible chain speed.

((*) (c) An electric limit switch at the unloading end that automatically stops the conveyor chain if any bag does not clear the conveyor arms.

(2) You must make sure bag chutes (gravity chutes for handling flour bags) that incline more than thirty degrees from horizontal:

((*) (a) Are designed to keep the speed of flour bags as low as possible.

((*) (b) Provide an upturn at the lower end of the chute to slow down the bags.

(3) You must prohibit the use of bag or barrel lifts as personnel lifts.

(4) You must 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.))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42520 Follow these requirements for chain tackle. ((You must:))

(1) You must mark all chain tackle with the maximum load capacity so the marking is:

((*) (a) Prominently displayed.

((*) (b) Legible.

((*) (c) Permanent.

(2) You must mark all chain tackle with minimum support specifications so the marking is legible and permanent.

(3) You must use safety hooks with chain tackle.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42522 Safeguard conveyors. ((You must:))

(1) You must install stop bumpers on all delivery ends of conveyors when products are manually removed.

(2) You must make sure all conveyors have "stop" buttons at all operating stations.

(3) You must provide emergency stop bars or switches at any point where both of these exist:

((*) (a) The conveyor feeds into a machine; (~~AND~~ *) and

(b) Pinch points or catching hazards exist.

Reference: Additional requirements for conveyors are found in WAC 296-806-420.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:))~~

*) You must design covers for screw conveyors that are:

((-) (1) Removable in convenient sections.

((-) (2) Held in place with stationary clamps. ((*) Locate stationary clamps at intervals that will keep all covers dust tight.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42526 Safeguard pallet jacks and hand trucks. ((You must:))

(1) You must 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) You must 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 296-806-42527 Specific food processing equipment.

You must meet the requirements ...	in this section:
Safeguard bakery slicers	WAC 296-806-42528
Safeguard bakery wrapping machines	WAC 296-806-42530
Provide troughs with anti-friction-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

You must meet the requirements ...	in this section:
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	WAC296-806-42574
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

You must meet the requirements ...	in this section:
Follow these requirements for sugar and spice pulverizers	WAC 296-806-42584

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42528 Safeguard bakery slicers. ((You must:))

- (1) You must provide all slicers with a mechanical device to push the last loaf through the slicer knives.
- (2) You must 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) You must 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) You must provide automatic braking to stop slicers with endless band knives when the motor is not energized.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42530 Safeguard bakery wrapping machines. ((You must:))

- (1) You must 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: ((*) 1. 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.
 ((*) 2. 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) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42532 Provide troughs with antifric-tion-bearing casters. ((You must:))

- (*) You must provide antifric-tion-bearing casters on troughs so operators can move and direct them with minimal effort.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42534 Follow these requirements for trough hoists and similar equipment. ((You must:))

- (1) You must mark all hoists and similar equipment with the maximum loading capacity so the marking is:
- ((*) (a) Prominently displayed.
 - ((*) (b) Legible.
 - ((*) (c) Permanent.
- (2) You must mark all hoists with minimum support specifications so that the marking is legible and permanent.
- (3) You must provide safety catches for the chain so that it will hold the load in any position.
- (4) You must use safety hooks with hoists.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42536 Follow these requirements for dividers. (~~You must:~~

- *) You must enclose or safeguard the moving parts in the back of the divider with **all** of the following:
 - ((-) (1) A complete cover to enclose **all** moving parts OR an enclosure or guard for each individual part to remove separate hazards.
 - ((-) (2) A limit switch to shut off the machine when the rear cover is open.
 - ((-) (3) A hinged guard on the back that cannot be completely removed.
 - ((*) (4) You must make sure that, 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42538 Safeguard manually-fed dough and cross-roll brakes. (~~You must:~~)

- (1) You must 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) You must provide an emergency "stop" bar that includes a self-engaging brake.
 - ((*) (a) 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:
 - ((-) (i) Deenergize the drive motor.
 - ((-) (ii) Activate a spring-set magnetic brake.
 - ((*) (b) Activate the emergency "stop" bar before each shift to make sure it is functioning properly.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42540 Provide a guard or tripping device on reversible dough brakes. (~~You must:~~

- *) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42542 Follow these requirements for doughnut machines. (~~You must:~~

- *) You must provide separate flues for venting both of the following:
 - ((-) (1) Vapors from the frying section; (~~AND~~ -) and
 - (2) Products of combustion from the combustion chamber used to heat the fat.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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) You must make sure dumpbin and blender hoods are large enough to prevent circulation of flour dust outside the hoods.
- (2) You must provide a stop control device for dumpbins and blenders located close to the operator's work station.
- (3) You must position dumpbins at an appropriate height from the floor so that operators can dump flour from bags without excessive strain or fatigue.
- (4) You must provide a bag rest stop, when the edge of a dumpbin is more than twenty-four inches above the floor.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42546 Follow these requirements for flour-handling machines. (~~You must:~~

- *) You must make sure the following safeguards are used when flour-handling systems are run in electrical unity with one another:
 - ((-) (1) When the beginning of the system is located far from its final delivery end, make sure:
 - ((*) (a) All electric motors operating the system have one control at each end; (~~AND~~ -) and
 - (b) Either control will stop all motors.
 - ((-) (2) Arrange control circuits for magnetic controllers so opening **any** limit switch on an individual unit will deenergize **all** motors on that unit.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42548 Follow these requirements for traveling or track-type flour scales. (~~You must:~~

•) (1) 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:))~~

•) (2) You must guard trolley track wheels.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42550 Follow these requirements for food grinders and cutters. ~~((You must:))~~

•) You must make sure that food grinders and cutters:

((-) (1) Have an interlock so machines with ~~((remove-able))~~ removable hoppers cannot be operated when the hopper is removed((-)).

((-) (2) Limit access to hoppers where grid guards cannot be used by providing feed conveyors or baffle-type hoppers. Hoppers must be both:

((■)) (a) Enclosed and provided with hinged covers; ~~((AND~~

■)) and

(b) Equipped with an electric interlock so the machine will not operate with the cover open.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42552 Provide covers with interlocks on ingredient premixers, emulsifiers, and similar machines. ~~((You must:))~~

•) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42554 Follow these requirements for open fat kettles. ~~((You must:))~~

(1) You must keep the floor around kettles in nonslip condition.

(2) You must make sure the top of the kettle is at least thirty-six inches above the floor or working level.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42556 Follow these requirements for steam kettles. ~~((You must:))~~

(1) You must provide positive locking devices to hold kettles in the desired position.

(2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42558 Follow these requirements for chocolate melting, refining, and mixing kettles. ~~((You must:))~~

(1) You must provide a cover to enclose the top of the kettle.

(2) You must make sure the bottom outlet of each kettle is designed so the operator cannot:

((•)) (a) Reach in to touch the revolving paddle.

((•)) (b) Come in contact with the shear point between the paddle and the side of the kettle.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42560 Safeguard meat-processing equipment (circular meat-cutting saws).

~~((Exemption:))~~ **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:

((•)) (a) Constant pressure controls; ~~((AND~~

•)) and

(b) A brake that automatically begins to stop the blade when the switch is released.

(2) You must make sure each circular meat-cutting saw has a protective guard between the operator and the blade.

(3) You must provide suspended, counterbalanced circular meat-cutting saws with guards that cover at least **one** of the following:

((•)) (a) Twenty-five degrees of the blade if the saw has two-hand controls; ~~((OR~~

•)) or

(b) Ninety degrees of the blade if the saw can be operated with one hand.

(4) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42562 Follow these requirements for horizontal dough mixers. ~~((You must:))~~

(1) You must make sure mixers are equipped with both of the following:

((•)) (a) An individual motor and control; ~~((AND~~

•)) and

(b) A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.

(2) You must 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) You must 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:

- ~~EXEMPTION:~~
- ((*) 1. When the agitator is in motion under power and the bowl is open more than one-fifth of its total opening;
- ~~((OR))~~ or
- ((*) 2. When starting the agitator, if the bowl is open more than one-fifth of its total opening.

~~((You must:))~~

(4) You must make sure overhead covers or doors that can accidentally close are either:

(a) Counterbalanced to remain in the "open" position;

~~((OR~~

~~*)~~ or

(b) Provided with a catch, brace, or other positive means to hold them open until the operator releases them.

(5) You must locate valves and controls that regulate the coolant in mixer jackets so they can be accessed without creating hazards to the operator.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42564 Follow these requirements for vertical mixers. ((You must:))

(1) You must provide a safeguarding device to protect employees from the point of operation, if the nature of the work exposes them to contact with:

((*) (a) The pinch point where the mixing tool meets the bowl.

((*) (b) The catching hazard of the mixing tool.

Note: ((*) When evaluating exposure, the following conditions need to be considered:

((-) 1. How the mixer functions such as visibility of the agitator or ability to accidentally switch the mixer on.

((-) 2. How the worker performs operations such as adding ingredients without scraping the bowl or reaching into the bowl when the mixer is in motion.

((-) 3. How close the worker gets to the hazard during operation.

((-) 4. The worker's tools, clothing, jewelry, or hair that might get caught or fall into mixer.

((-) 5. Type of guarding, if any.

((-) 6. Slipping or tripping hazards in the area.

~~((You must:))~~

(2) You must make sure mixers are equipped with both of the following:

((*) (a) An individual motor and control; ~~((AND~~

~~*)~~ and

(b) A conveniently located manual switch that prevents the mixer from being started during servicing or cleaning.

(3) You must make sure overhead panels or doors on mixers that can accidentally close are either:

((*) (a) Counterbalanced to remain in an open position;

~~((OR~~

~~*)~~ or

(b) Provided with catches, braces, or other positive means to hold them open until the operator releases them.

(4) You must make sure bowl-locking devices are the type that must be intentionally unlocked by the operator.

(5) You must provide devices for moving filled bowls that weigh more than eighty pounds in and out of the mixing position on the machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42566 Follow these requirements for mechanical-feed moulders. ((You must:

~~*)~~ 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42568 Follow these requirements for hand-fed moulders. ((You must:))

(1) You must provide hand-fed moulders with either of the following, so employee's hands cannot enter the hopper and contact in-running rolls:

((*) (a) 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~~

~~*)~~ or

(b) A belt feed device.

(2) You must provide each of these workers with a stopping device that can be easily reached:

((*) (a) The operator feeding the moulder.

((*) (b) The employee taking the dough away from the moulder.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42570 Design, install, and construct your ovens according to these requirements. ((You must:))

((*) (1) 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.

((*) (2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42572 Properly locate emergency "stop" buttons and main shut off valves for ovens. ((You must:))

(1) You must locate emergency stop buttons on mechanical ovens close to where operators are stationed.

(2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42574 Inspect and test safety devices on ovens. ((You must:))

(1) You must inspect ovens at least twice a month by a formally appointed, properly trained, bakery employee. ((*) Include the following in your inspection:

((-) (a) All safety devices.

((-) (b) Testing of all safety shutoff valves, making sure they are positively tight.

(2) You must make sure a representative of the oven manufacturer performs an annual inspection.

(3) You must test all piping on ovens to make sure they are gas tight.

(4) You must test oven ((systems as follows: * Test)) duct systems on indirect recirculating ovens that operate under pressure for tightness at the following intervals:

((-) (a) When the oven is first started.

((-) (b) At least every six months after that.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42576 Follow these requirements for peanut-cooling trucks. ((You must:))

*)) You must make sure the entire top of the peanut-cooling truck has a grid-type cover.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42578 Follow these requirements for pretzel-rolling, pretzel stick extruding, rotary, and die machines. ((You must:))

*)) You must protect the operator's hands from getting caught in moving parts by doing **at least one** of the following:

((-) (1) Cover the entire opening of dough hoppers with grid-type guards.

((-) (2) Extend the hopper higher.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42580 Safeguard box and roll-type dough sheeters. ((You must:))

(1) You must guard exposed rolls with **either** of these methods:

((*) (a) Guard the nip point of exposed sheeting rolls at the point where the dough enters the rolls; ((OR

*) or

(b) 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) You must provide a stopping device for hoppers.

((*) (a) Provide an automatic "stop" bar or stopping device along the back edge of the hopper.

((-) (b) If machine construction does not allow for this, place the bar or device where it will be most effective.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42582 Provide proper enclosures for sifters. ((You must:))

*)) You must make sure enclosures on flour sifters:

((-) (1) Are dust tight.

((-) (2) Allow for ease of interior inspection.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-42584 Follow these requirements for sugar and spice pulverizers. ((You must:))

(1) You must remove static electricity by grounding all drive belts used in sugar and spice pulverizers by using metal combs.

(2) You must 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) You must provide magnetic separators to reduce fire and explosion hazards.

((FORGING MACHINES))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-430 ((Summary:)) Forging machines. 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 bolthead 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.

EXEMPTION:

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.

Table 430-1

Specific Requirements for Forging Machines

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.))

<u>WACs needed in addition to those included under "General Requirements for Forging Machines"</u>	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		
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

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Follow these safety requirements when using lead and lead casts</u>	<u>WAC 296-806-43002</u>
<u>Properly inspect and maintain forging equipment</u>	<u>WAC 296-806-43004</u>
<u>Use safety blocks on hammers and presses</u>	<u>WAC 296-806-43006</u>
<u>Make sure tongs meet these requirements</u>	<u>WAC 296-806-43008</u>
<u>Protect employees when removing scale</u>	<u>WAC 296-806-43010</u>
<u>Provide adequate foundations for hammers and presses</u>	<u>WAC 296-806-43012</u>
<u>Follow these requirements for manually operated valves and switches</u>	<u>WAC 296-806-43014</u>

~~((GENERAL REQUIREMENTS FOR FORGING))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43002 Follow these safety requirements when using lead and lead casts. ((You must*))

- (1) You must provide thermostats for heating elements to prevent overheating.
- (2) You must provide a means of exhaust for fixed or permanent lead pot installations.
- (3) You must provide a covered container to store dross skimmings.
- (4) You must keep equipment clean, especially from accumulations of yellow lead oxide.

Reference: ((*) 1. For requirements about, Personal protective equipment (PPE), see the Safety and health core rules, WAC 296-800-160.
 ((*) 2. For ventilation requirements when using portable lead pot units, see the General occupational health standards, chapter 296-62 WAC.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43004 Properly inspect and maintain forging equipment. ((~~You must~~

*) (1) You must keep all forge shop equipment in safe operating condition.

((*) (2) You must train personnel in proper inspection and maintenance procedures.

((*) (3) You must establish periodic and regular safety inspections.

((*) (4) You must schedule frequent and regular safety inspections of all guards and point-of-operation protection devices.

((*) (5) You must keep written records of safety inspections that include all of the following:

((-) (a) Date of the inspection.

((-) (b) Signature of the person doing the inspection.

((-) (c) Serial number or other identification for the piece of equipment inspected.

((*) (6) You must safeguard all overhead machinery parts so they do not fly off or fall, if the equipment breaks.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43006 Use safety blocks on hammers and presses. ((~~You must~~

*) (1) 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.

((*) (2) You must 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.
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	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	

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43008 Make sure tongs meet these requirements. ((~~You must~~

*) You must make sure tongs used with hammers, presses, upsetters, and forging equipment used in boltheaded and rivet making, meet the following requirements:

((-) (1) They are long enough so the worker can use the tongs without standing behind them, in order to avoid injury, in case of kickback.

((-)) (2) The handle ends are not sharp.

- Note:**
- ((*) 1. The worker should be instructed about proper body positions when using tongs.
 - ((*) 2. Tongs should be checked periodically to see that they remain at the proper hardness level for the job.
 - ((*) 3. Rings or equivalent devices that are used for locking tongs should be inspected periodically to make sure they are safe.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43010 Protect employees when removing scale. ((You must:

*) You must protect employees at every hammer and press by:

((-) (1) 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:

- ((■)) (a) Oil swabs.
- ((■)) (b) Scale removers.
- ((■)) (c) Other devices that remove scale by reaching the full length of the die.

((-) (2) Stopping flying scale through construction and arrangement of a scale guard that is of *substantial construction* at the back of every hammer and press.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43012 Provide adequate foundations for hammers and presses. ((You must:

*) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43014 Follow these requirements for manually operated valves and switches. ((You must:

*) You must make sure all manually operated valves and switches are clearly identified and readily accessible for all of the following:

- ((-) (1) Presses.
- ((-) (2) Upsetters.
- ((-) (3) Forging equipment involved in boltheaded and rivet making.

((Hammers))

NEW SECTION

WAC 296-806-43015 Hammers.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43016 Use die keys and shims made of proper-grade material. ((You must:

*) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43018 Provide a safety cylinder head. ((You must:

*) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43020 Provide a shutoff valve. ((You must:

*) 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.

Reference: For requirements about Lockout/tagout (control of hazardous energy), see chapter 296-803 WAC.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43022 Provide a means for cylinder draining. ((You must:

*) (1) You must provide a means for draining cylinders on steam hammers.

((*) (2) You must provide airlift hammers with both main head and clamp cylinder drains.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43024 Follow these requirements for pressure pipes. (~~You must:~~

*) You must provide steam or air pressure piping on power-driven hammers that meets or exceeds the requirements in:

(-) (1) ANSI B31.1.0-1967, Power Piping, with addenda ANSI B31.1.06-1971, for hammers constructed before January 1, 2005.

(-) (2) ANSI B31.1.0-2001, Power Piping, with addenda ANSI B31.1.0A-2001, for hammers constructed on or after January 1, 2005.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43026 Follow these requirements when using board hammers. (~~You must:~~

*) (1) You must securely fasten a suitable enclosure to gravity-dropped board hammers to prevent damaged or detached boards from falling.

(*) (2) You must properly secure all major assemblies and fittings that can loosen and fall.

~~((OTHER FORGE FACILITY EQUIPMENT))~~

NEW SECTION

WAC 296-806-43027 Other forge facility equipment.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
Protect against sparks from saws	WAC 296-806-43028

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43028 Protect against sparks from saws. (~~You must:~~

*) 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))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-435 ((Summary-)) Garbage waste disposals.

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 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-))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Safeguard garbage (waste) disposal equipment</u>	<u>WAC 296-806-43502</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-43502 Safeguard garbage (waste) disposal equipment. (~~You must:~~

(1) You must 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) You must 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))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-440 ((Summary-)) Glue spreaders.

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.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Provide guards and automatic shutoffs on glue spreaders</u>	<u>WAC 296-806-44002</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-44002 Provide guards and automatic shutoffs on glue spreaders. ((~~You must:~~

•)) (1) You must enclose the in-running side of glue spreaders, leaving enough space to insert stock.

((•)) (2) You must 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))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-445 ((~~Summary-~~)) Ironworkers.

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.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Safeguard ironworkers point of operation</u>	<u>WAC 296-806-44502</u>
<u>Follow these requirements for adjustable restrictors when safeguarding ironworkers</u>	<u>WAC 296-806-44504</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-44502 Safeguard ironworkers point of operation. ((~~You must:~~

•)) 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 **EXEMPTION:** less, safeguarding is not required.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-44504 Follow these requirements for adjustable restrictors when safeguarding ironworkers. ((~~You must:~~

•)) You must use adjustable restrictors for safeguarding only when guards, devices, or awareness barriers are not feasible.

~~((LATHES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-450 ((~~Summary-~~)) Lathes.

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.~~)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Provide shields or guards on metal lathes for chip or coolant hazards</u>	<u>WAC 296-806-45002</u>
<u>Safeguard work-holding devices (chucks)</u>	<u>WAC 296-806-45004</u>
<u>Follow these requirements for chip control and handling</u>	<u>WAC 296-806-45006</u>
<u>Safeguard power-clamping devices</u>	<u>WAC 296-806-45008</u>
<u>Restrain extended work-pieces on horizontal lathes</u>	<u>WAC 296-806-45010</u>

~~((METAL LATHES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45002 Provide shields or guards on metal lathes for chip or coolant hazards. (~~You must~~

•)) 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.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-806-45004 Safeguard work-holding devices (chucks). (~~You must~~

•)) 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:

((-) (1) They are in the clamped mode and have parts that extend beyond the outside diameter of the holding device.

((-) (2) They have an irregular shape to the periphery of their body.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45006 Follow these requirements for chip control and handling. (~~You must~~

•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45008 Safeguard power-clamping devices. (~~You must~~

•)) 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:
 ((-) 1. Interlocks.
 ((-) 2. Retaining covers(~~(=■)~~) that contain the workpiece if it falls or flies out from the clamped work-holding device.
 ((-) 3. 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45010 Restrain extended workpieces on horizontal lathes. (~~You must~~

•)) You must safeguard employees from the hazards of work pieces that extend beyond the edges of the horizontal lathe by:

((-) (1) Restraining work pieces as needed to prevent whipping; (~~AND~~

-)) and

(2) Isolating work pieces with an awareness barrier, fixed or movable guard, or railing.

~~((WOODWORKING LATHES))~~

NEW SECTION

WAC 296-806-45011 Woodworking lathes.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
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 296-806-45066
Guard wood lathes used for turning long pieces of stock	WAC 296-806-45018

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45012 Guard cutting heads on profile lathes and swing-head lathes. (~~You must~~

•)) (1) You must cover all cutting heads on profile lathes, swing-head lathes, and heel-turning machines with a metal guard.

((•) (2) You must

make sure guards are made of:

((-) (a) Sheet metal at least one-sixteenth inches thick.

((-) (b) Cast iron at least three-sixteenth inches thick.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45014 Guard cutting heads on turning lathes. (~~You must:~~

•) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45016 Guard automatic turning lathes. (~~You must:~~

•) 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:

- (-) (1) Shoe last and spoke lathes.
- (-) (2) Doweling machines.
- (-) (3) Heel-turning machines.
- (-) (4) Automatic turning lathes with rotating knives.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45018 Guard wood lathes used for turning long pieces of stock. (~~You must:~~

•) 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~~)

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-455 (~~Summary-)~~ Mechanical power presses.

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:

EXEMPTION:

- (•) 1. Power press brakes.
- (•) 2. Hydraulic power presses.
- (•) 3. Pneumatic power presses.
- (•) 4. Slow-acting horizontal mechanical presses with large beds (bulldozers).
- (•) 5. Hot bending and hot metal presses.
- (•) 6. Forging presses and hammers.
- (•) 7. Riveting machines.
- (•) 8. Cold headers and cold formers.

- (•) 9. Eyelet machines.
- (•) 10. High energy rate presses.
- (•) 11. Ironworkers and detail punches.
- (•) 12. Metal shears.
- (•) 13. Powdered metal presses.
- (•) 14. Press welders.
- (•) 15. Turret and plate punching machines.
- (•) 16. Wire termination machines.
- (•) 17. Welding presses.

Reference:

- (•) 1. See, Forging machines, for forging press and hammer requirements, WAC 296-806-430.
- (•) 2. See, Ironworkers, for requirements for ironworkers, WAC 296-806-445.
- (•) 3. 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.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure mechanical power presses are properly designed and constructed</u>	<u>WAC 296-806-45502</u>

~~((DESIGN AND CONSTRUCTION))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45502 Make sure mechanical power presses are properly designed and constructed. (~~You must:~~

•) (1) 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.

(•) (2) You must 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 296-806-45503 Safeguarding.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
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 meet these requirements	WAC 296-806-45512

<u>You must meet the requirements ...</u>	<u>in this section:</u>
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 (hold-out) 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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45504 Safeguard presses that use unitized tooling. (~~You must:~~

•) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45506 Protect operators from guidepost hazards. (~~You must:~~

•) You must use properly installed, adjusted, and maintained guards or devices to protect operators from the hazards created by:

(-) (1) Guideposts separating from their bushings.

(-) (2) Similar pinch points between the slide (moving die) and fixed die or press attachments.

~~((Exemption))~~ **EXEMPTION:** This requirement does not apply if the opening is one-fourth inch or less, before use.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45508 Safeguard the point of operation. (~~You must:~~

•)) 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.
EXEMPTION:

- Note:**
- ((*) 1) You may use a combination of guards and devices as long as employees are completely protected from point-of-operation hazards.
 - ((*) 2) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45510 Make sure point-of-operation guards are properly designed and constructed. (~~You must:~~

-)) You must make sure each guard:
 - ((-) 1) Prevents the operator's hands or other body parts from reaching through, over, under, or around the guard into the point of operation.
 - ((-) 2) Has no opening larger than the maximum permissible openings shown in Table 200-1, Largest Allowable Guard Openings, WAC 296-806-20042.
 - ((-) 3) Does not create a pinch point between the guard and moving machine parts.
 - ((-) 4) Uses fasteners that cannot be easily removed by the operator.
 - ((-) 5) Is easy to inspect.
 - ((-) 6) Provides the best view of the point of operation for the type of work.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45512 Make sure barrier guards meet these requirements. (~~You must:~~

-)) (1) 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.
- ((*) (2) You must make sure the interlocked barrier guard:
 - ((-) (a) Is attached to a fixed surface such as the press frame or bolster plate.
 - ((-) (b) Prevents cycling (stroking) of the press when the interlocked section of the guard is not in the protecting position.
 - ((-) (c) Cannot open until hazardous motion of the slide has stopped.
 - ((*) (3) You must not use the hinged or movable sections of an interlocked barrier guard for manual feeding.
 - ((*) (4) You must make sure an adjustable barrier guard is:
 - ((-) (a) Attached to a fixed surface such as the press frame, bolster plate, or die shoe.

((-) (b) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45514 Make sure point-of-operation devices are effective. (~~You must:~~

-)) (1) You must make sure point-of-operation devices protect the operator from hazards as shown in Table 455-1, Point-of-Operation Devices.
- ((*) (2) You must 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: ((*) <u>1</u> . Prevents initiating a press cycle (stroke); OR ((*) <u>2</u> . 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: ((*) <u>1</u> . Withdraws the operator's hands if they are located in the point of operation; OR ((*) <u>2</u> . 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

Type of device	Type of operator protection that must be provided:
((Two-hand)) <u>2-hand</u> control device ((Two-hand)) <u>2-hand</u> trip device	((*) 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: ((*) <u>1</u> . Before a press cycle (stroke) can be initiated; AND ((*) <u>2</u> . Remains closed until slide motion has stopped
Type B gate or movable barrier device	Encloses the point of operation: ((*) <u>1</u> . Before a press cycle (stroke) can be initiated; AND ((*) <u>2</u> . 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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45516 Make sure presence-sensing devices used to safeguard the point of operation meet these requirements. (~~You must~~

*) (1) You must make sure the presence-sensing device is interlocked into the control circuit to prevent or stop slide motion if the operator's hand or other body part is within the sensing field of the device during the downstroke of the press slide.

((*) (2) You must make sure muting of the device is done only during the upstroke of the press slide.

((*) (3) You must make sure failure of any component of the device:

((-) (a) Does not prevent normal stopping action of the press.

((-) (b) Prevents initiation of another cycle (stroke) until corrected.

((-) (c) Is indicated by the system.

((*) (4) You must use guards to protect all areas of entry to the point of operation not protected by the presence-sensing device.

((*) (5) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45518 Make sure pull-back devices used to safeguard the point of operation meet these requirements. (~~You must~~

*) (1) You must make sure presses requiring more than one operator have a separate pull-back device for each operator.

((*) (2) You must make sure each pull-back device has attachments:

((-) (a) For each of the operator's hands.

((-) (b) That are connected to and operated only by the press slide or its attached die.

((-) (c) That are adjusted to either:

((*) (i) Prevent the operator from reaching into the point of operation; (~~OR~~

*) or

((ii) Withdraw the operator's hands from the point of operation before the dies close.

((*) (3) You must check each pull-back device that is being used for proper adjustment at these times:

((-) (a) At the start of each operator shift.

((-) (b) After a new die set-up.

((-) (c) When operators are changed.

((*) (4) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45520 Make sure restraint (holdout) devices used to safeguard the point of operation meet these requirements. (~~You must~~

*) (1) You must make sure presses requiring more than one operator have separate restraint devices for each operator.

((~~★~~) (2) You must make sure each restraint device has attachments:

((-) (a) For each of the operator's hands.

((-) (b) That are securely anchored.

((-) (c) That are adjusted so the operator cannot reach into the point of operation.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45522 Make sure two-hand control devices used to safeguard the point of operation meet these requirements. ((~~You must~~

★)) (1) You must make sure presses that require more than one operator:

((-) (a) Have separate two-hand controls for each operator.

((-) (b) Need concurrent application of all operators' controls to activate the slide.

((★) (2) You must make sure the slide stops if any operator's hand is removed from a control button.

((★) (3) You must make sure two-hand controls are fixed in position and can be moved only by authorized persons.

((★) (4) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45524 Make sure two-hand trip devices used to safeguard the point of operation meet these requirements. ((~~You must~~

★)) (1) You must make sure presses requiring more than one operator:

((-) (a) Have separate two-hand trips for each operator.

((-) (b) Need concurrent application of all operators' controls to activate the slide.

((★) (2) You must make sure the two-hand trips are fixed in position and can be moved only by authorized persons.

((★) (3) You must 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 = 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45526 Provide additional safeguards when the operator puts one or both hands into the point of operation.

((~~IMPORTANT~~)) **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:

((★) 1. Presence-sensing device.

((★) 2. Two-hand control.

((★) 3. Type B gate or movable barrier device.

((~~You must~~

★)) (1) You must make sure the press has both a:

((-) (a) Stopping-performance monitor (previously called brake-system monitor); ((~~AND~~

-)) and

(b) Control system that monitors the performance of safety-related functions (previously called control reliability).

((★) (2) You must make sure the stopping-performance monitor meets the requirements of:

((-) (a) 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.

((-) (b) ANSI B11.1-2001, Safety Requirements for Mechanical Power Presses for presses manufactured **on or after** January 1, 2005.

((★) (3) You must make sure the control system monitors the performance of safety-related functions so that failure of any component in the control system:

((-) (a) Does not prevent normal stopping action of the press.

((-) (b) Prevents initiation of another cycle (stroke) until the failure is corrected.

((-) (c) Can be detected by a simple test or is indicated by the control system.

((~~Exemption~~)) **EXEMPTION:** This requirement does not apply to control system components that do not affect protection from point-of-operation hazards.

((~~Definition~~

)) **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 296-806-45527 Operations.

You must meet the requirements ...	in this section:
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 (presence sensing device initiation) mode of operation meet these requirements	WAC 296-806-45542

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45528 Establish die setting procedures. ((You must:))

*) (1) You must develop and use procedures to protect employees from the hazards of die setting.

((*) (2) You must make sure die setters are provided with at least the following information:

((-) (a) Rated press capacity requirements for the die.

((-) (b) Weight of the upper die and other slide attachments required for job setup and setting counterbalance air pressure.

((-) (c) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45530 Handle dies safely. ((You must:))

*) (1) You must make sure dies requiring mechanical handling have handling equipment attachment points.

((*) (2) You must use die stops or other means to prevent losing control of the die while setting or removing dies from presses that are inclined.

((*) (3) You must make sure the upper and lower shoes will securely mount the die to the bolster and slide.

((*) (4) You must use additional means of securing the upper shoe to the slide where clamp caps or set screws are used in conjunction with punch stems.

((*) (5) You must make sure spring-loaded turnover bars are provided for presses designed to accept them.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45532 Protect die setters during setup and tryout. ((You must:))

(1) You must 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) You must protect die setters doing die tryout from point-of-operation hazards by **at least one** of the following:

((*) (a) Properly installed, adjusted, and maintained guards or devices.

((*) (b) Proper use of INCH mode (part-revolution clutch press).

((*) (c) Proper use of JOG mode (full-revolution clutch press).

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45534 Train press operators. ((You must:))

(1) You must train operators to safely operate the press.

(2) You must make sure modified or reconstructed presses have instructions to establish new or changed guidelines for use and care of the press.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45536 Operate mechanical power presses safely. ((You must:))

*) You must operate the press within the manufacturer's rated capacities.

Note: Rated capacities include, but are not limited to:

((-) 1. Structural capacity.

((-) 2. Torque capacity.

((-) 3. Energy capacity.

((-) 4. Thermal capacity.

((-) 5. Attachment weight.

((-) 6. Die shuhteight.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45538 Provide tools and other means to protect press operators. ((You must:))

*) (1) You must make sure hand tools are provided and used to free and remove workpieces or scrap stuck in the die.

((*) (2) You must provide means for handling scrap from roll feed or random length stock operations.

((*) (3) You must 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: ((*) 1. Means for lubricating include, but are not limited to:

((-) a. Brushes.

((-) b. Swabs.

((-) c. Lubricating rolls.

- ((-) d. Manual spray systems.
- ((-) e. Automatic spray systems.
- ((*) 2. Handles on brushes or swabs should be long enough to keep persons using them clear of the point of operation.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-45540 Inspect and maintain presses.
((You must:))

- (1) You must make sure maintenance personnel are trained and competent to inspect and maintain power presses.
- (2) You must keep records of all maintenance or repair work.
- (3) You must inspect and test the following press systems **at least weekly:**
 - ((*) (a) Clutch/brake mechanism.
 - ((*) (b) Antirepeat feature.
 - ((*) (c) Single stroke mechanism.
 - ((*) (d) Keep records of inspections and tests.

((Exemption:)) You do not have to do weekly inspections if your press has both:
EXEMPTION:
 ((-) 1. Performance of safety-related functions monitoring (previously called control reliability); ~~((AND))~~ and
 ((-) 2. 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:))

- (*) You must make sure presses and operating practices used in the PSDI mode meet the requirements of 29 C.F.R. 1910.217(h), Presence Sensing Device Initiation (PSDI).

Note: 29 C.F.R. 1910.217(h) contains requirements for certification and validation of mechanical power presses used in the PSDI mode of operation.

((MILLS))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-460 ((Summary:)) Mills.
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.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Meet height requirements for mill rolls</u>	<u>WAC 296-806-46002</u>
<u>Provide mill safety controls</u>	<u>WAC 296-806-46004</u>
<u>Follow these stopping limit requirements for mills</u>	<u>WAC 296-806-46006</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46002 Meet height requirements for mill rolls. ~~**((You must:))**~~

- (*) 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:
 - ((*) (1) The general floor level.
 - ((*) (2) In a pit.
 - ((*) (3) On a platform.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:
EXEMPTION:
 ((*) 1. Cannot reach through, over, under, or around to come in contact with the roll bite; ~~((OR))~~ or
 ((*) 2. Cannot be caught between a roll and nearby objects.

~~((You must:))~~

(1) You must 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:

- ((*) (a) Pressure-sensitive body bars that:
 - ((-) (i) Are installed at the front and back of mills having a forty-six inch roll height or over.
 - ((-) (ii) Operate readily on contact from the pressure of the mill operator's body.
- ((*) (b) Safety trip rods that are:
 - ((-) (i) Installed in the front and back of each mill and located within two inches of the front and rear rolls.
 - ((-) (ii) Installed so the top rods are no more than seventy-two inches above the level where the operator stands.
 - ((-) (iii) Easy to reach and operate when the rods are pushed or pulled.

((~~▲~~) ~~(c)~~) Safety tripwire cables or wire center cords that are:

- ~~(-)~~ ~~(i)~~ Installed in the front and back of each mill.
- ~~(-)~~ ~~(ii)~~ Located within two inches of the face of the rolls.
- ~~(-)~~ ~~(iii)~~ Installed so that cables are no more than seventy-two inches above the level where the operator stands.
- ~~(-)~~ ~~(iv)~~ Easy to operate whether pushed or pulled.

(2) ~~You must~~ 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46006 Follow these stopping limit requirements for mills. (~~You must:~~

~~▲~~) ~~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))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-465 ((~~Summary:~~) Press brakes. 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 safe-guarding~~

~~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.)~~

<u>You must meet the require-ments ...</u>	<u>in this section:</u>
<u>Provide auxiliary safety aids on press brakes</u>	<u>WAC 296-806-46502</u>
<u>Safeguard the point of operation on press brakes</u>	<u>WAC 296-806-46504</u>

((GENERAL REQUIREMENTS FOR PRESS BRAKES))

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46502 Provide auxiliary safety aids on press brakes.

((~~IMPORTANT:~~) Important:

This rule applies if the safeguarding method prevents the operator from holding the work piece during the closing of the stroke.

~~(You must:~~

~~▲~~) ~~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:

~~(-)~~ ~~(1)~~ Work supporting devices.

~~(-)~~ ~~(2)~~ Magnetic material-position gages.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46504 Safeguard the point of operation on press brakes. (~~You must:~~

~~▲~~) ~~You must~~ safeguard the point of operation on press brakes by at least one of the following:

~~(-)~~ ~~(1)~~ Physical guards.

~~(-)~~ ~~(2)~~ Devices.

~~(-)~~ ~~(3)~~ One-quarter inch maximum die opening.

~~(-)~~ ~~(4)~~ Safe distance safeguarding if **all** of the following apply:

~~(■)~~ ~~(a)~~ Physical barriers and devices such as two-hand controls, holdouts, restraints, and presence sensors, are demonstrated to not be feasible.

~~(■)~~ ~~(b)~~ This safeguarding method is only for one-time fabrication, custom made parts, or small quantity runs of no more than four hours per month.

~~(■)~~ ~~(c)~~ A safety program is provided that includes safe work procedures, training, and supervision to make sure work is performed using safe distance measures.

~~(■)~~ ~~(d)~~ There is no workplace record of injuries from failing to maintain a safe distance.

((SAFE DISTANCE SAFEGUARDING))

NEW SECTION

WAC 296-806-46505 Safe distance safeguarding.

You must meet the requirements ...	in this section:
Follow this requirement when using safe distance safeguarding	WAC 296-806-46506
Develop a safe distance safeguarding program for press brakes	WAC 296-806-46508
Follow these requirements for safe distance training for press brakes	WAC 296-806-46510
Require safe distance retraining for press brake operations	WAC 296-806-46512
Conduct periodic safe distance inspections on press brakes	WAC 296-806-46514
Supervise the safe distance program for press brakes	WAC 296-806-46516

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46506 Follow this requirement when using safe distance safeguarding. ((You must:

•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46508 Develop a safe distance safeguarding program for press brakes. ((You must:

•)) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46510 Follow these requirements for safe distance training for press brakes. ((You must:

(1) You must train your employees in the safe distance safeguarding program and include **all** of the following:

((•) (a) The need for safety awareness between the power press brake operator and, when required, the helper.

((•) (b) The purpose and function of operating controls, operating mode controls, die space height adjustment positions, and other brake controls.

((•) (c) The hazards of placing any parts of the body into the point of operation.

((•) (d) The hazards related to each specific work piece bending operation.

((•) (e) The purpose and function of hand-feeding tools.

((•) (f) The dangers of unsafe work practices, inattention, horseplay, and misuse of equipment.

((•) (g) The importance of reporting unsafe conditions immediately to the supervisor.

(2) You must make sure employees are proficient in safe distance safeguarding after training, and follow both:

((•) (a) Safe-operating instructions and recommendations of power press brake manufacturers; ((AND •)) and

(b) Industry-recognized safe working practices for power press brakes.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46512 Require safe distance retraining for press brake operations. ((You must:

(1) You must require safe distance retraining when employees either:

((•) (a) Are seen operating the power press brake in an unsafe manner; ((OR •)) or

(b) Fail to use safe distance procedures.

(2) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46514 Conduct periodic safe distance inspections on press brakes. ((You must:

(1) You must conduct periodic inspections of safe distance procedures at least annually to make sure that established procedures are being followed.

(2) You must 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:

((•) (a) The date of the inspection.

((•) (b) The person performing the inspection.

((•) (c) The power press brake for which you are using the procedures.

((•) (d) Any deviations or inadequacies with procedures and requirements.

((•) (e) Joint reviews with each trained employee about their responsibilities under the safe distance program.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-46516 Supervise the safe distance program for press brakes. ((You must:

•)) You must provide adequate supervision to make sure that:

((-) (1) Only trained employees operate power press brakes.

((-) (2) Employees use work practices learned in your training program.

(-) (3) Periodic safe distance inspections are conducted as outlined in, Conduct periodic safe distance inspections on press brakes, WAC 296-806-46514.

(-) (4) Any deviations from, or inadequacies in, program procedures or work practices are promptly corrected.

(-) (5) Designated safeguarding means are used, installed, and functioning properly.

(-) (6) Recommended hand-feeding tools are used, when needed.

(-) (7) To require retraining and other appropriate corrective action when necessary.

~~((ROLL FORMING AND BENDING MACHINES))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-470 ((Summary:)) Roll-forming and bending machines.

Summary

(1) 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.

(2) 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.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Follow these requirements for machine initiation</u>	<u>WAC 296-806-47002</u>
<u>Safeguard nip points on roll-forming and bending machines</u>	<u>WAC 296-806-47004</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-47002 Follow these requirements for machine initiation. ((You must:

***) (1) You must make sure all of the following occur before starting machines:**

(-) (a) Select "normal" operation mode.

(-) (b) Safeguards are in place and functioning.

(-) (c) No workers are within the hazard zones.

(-) (d) Other proper work practices are followed.

***) (2) You must make sure in the "jog mode," the machine function is initiated by the operator either:**

(-) (a) During set-up; ~~((OR~~
~~-)) or~~

(b) By threading the material through the forming rolls.

***) (3) Make sure only assigned test employees perform machine testing and start-up.**

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-47004 Safeguard nip points of roll-forming and bending machines. ((You must:

***) (1) You must safeguard in-running nip points on roll-forming and bending machines with at least one of the following:**

(-) (a) A point-of-operation guard or device.

(-) (b) An emergency stop device.

***) (2) You must an emergency stop device must be used when a point-of-operation guard or device is not feasible.**

SANDING MACHINES

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-475 ((Summary:)) Sanding machines.

Summary

(1) 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.

(2) 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, **EXEMPTION:** 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:

(-) 1. WAC 296-806-200, Requirements for all machines.

(-) 2. 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.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Guard drum sanders</u>	<u>WAC 296-806-47502</u>
<u>Guard disk sanders</u>	<u>WAC 296-806-47504</u>
<u>Guard belt sanders</u>	<u>WAC 296-806-47506</u>
<u>Follow these requirements for feed roll guarding</u>	<u>WAC 296-806-47508</u>

AMENDATORY SECTION (Amending WSR 07-05-062, filed 2/20/07, effective 4/1/07)

WAC 296-806-47502 Guard drum sanders. ~~((You must:~~

•)) 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:

- (-) (1) Guard.
- (-) (2) Exhaust hood.

Reference: Exhaust hoods are required on sanders when dust levels exceed exposure limits. See chapter 296-841 WAC, Airborne contaminants.

~~((Exemption:))~~ **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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-47504 Guard disk sanders. ~~((You must:~~

•)) 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:))~~ **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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-47506 Guard belt sanders. ~~((You must:~~

•)) You must protect the operator by guarding:
 (-) (1) Nip points where the sanding belt runs on the pulleys.
 (-) (2) The unused run of the sanding belt.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-47508 Follow these requirements for feed roll guarding. ~~((You must:~~

•)) (1) 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.

(•) (2) You must make sure that the guard meets ALL of the following:

(-) (a) Is constructed of heavy material, preferably metal.

(-) (b) 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))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-480 ((Summary:)) Saws and cutting heads.

Summary

If your specific machine or operation is not listed here, then be sure to follow any of the following requirements that apply:

(•) (1) General requirements for all saws and cutting heads in this section.

(•) (2) General requirements for all saws in this section.

(•) (3) General requirements for all cutting heads in this section.

(•) (4) "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.))

Requirements for this topic	begin with this section:
...	
<u>GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS</u>	<u>WAC 296-806-48002</u>
<u>SAWS</u>	
<u>General Requirements for All Saws</u>	<u>WAC 296-806-48006</u>
<u>Requirements for All Circular Saws</u>	<u>WAC 296-806-48008</u>
<u>Requirements for Specific Circular Saws</u>	<u>WAC 296-806-48024</u>
<u>Requirements for Band Saws and Drag Saws</u>	<u>WAC 296-806-48042</u>
<u>CUTTING HEADS</u>	

<u>Requirements for this topic</u> <u>...</u>	<u>begin with this section:</u>
<u>General Requirements for All Cutting Heads</u>	<u>WAC 296-806-48046</u>
<u>BORING AND MORTISING MACHINES</u>	<u>WAC 296-806-48048</u>
<u>CHIPPER AND HOG MILLS</u>	<u>WAC 296-806-48050</u>
<u>JOINTERS</u>	<u>WAC 296-806-48056</u>
<u>MOLDING, STICKING AND MATCHING MACHINES</u>	<u>WAC 296-806-48062</u>
<u>PANEL RAISERS AND OTHER SIMILAR MACHINES</u>	<u>WAC 296-806-48064</u>
<u>PLANERS</u>	<u>WAC 296-806-48066</u>
<u>SHAPERS</u>	<u>WAC 296-806-48074</u>
<u>TENONING MACHINES</u>	<u>WAC 296-806-48076</u>
<u>VENEER MACHINERY</u>	<u>WAC 296-806-48080</u>
<u>SEWING MACHINES</u>	<u>WAC 296-806-48502</u>

GENERAL REQUIREMENTS FOR ALL SAWS AND CUTTING HEADS

NEW SECTION

WAC 296-806-48001 General requirements for all saws and cutting heads.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
Protect employees using saws and cutting heads	<u>WAC 296-806-48002</u>
Make sure saws and cutting heads are sharpened and tensioned by qualified people	<u>WAC 296-806-48005</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48002 Protect employees using saws and cutting heads. (~~You must:~~

***) (1) You must** provide safeguarding to protect employees from the hazards of feed rolls.

(*) (2) You must provide types and sizes of push sticks or push blocks that are suitable for the work being done.

(*) (3) You must 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:

- (*) 1.** Dadoing.
- (*) 2.** Grooving.
- (*) 3.** Jointing.
- (*) 4.** Moulding.
- (*) 5.** Rabbeting.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48004 Make sure saws and cutting heads are sharpened and tensioned by qualified people. (~~You must:~~

***) 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 296-806-48005 General requirements for all saws.

<u>You must meet the requirements ...</u>	<u>in this section:</u>
Make sure saws are safe to use	<u>WAC 296-806-48006</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48006 Make sure saws are safe to use. (~~You must:~~

***) (1) You must** immediately remove from service a saw that has **any of the following** problems:

- (-) (a)** Cracked.
- (-) (b)** Dull.
- (-) (c)** Badly set.
- (-) (d)** Improperly filed.
- (-) (e)** Improperly tensioned.

(*) (2) You must immediately clean any saw where gum has begun to stick on the sides.

(*) (3) You must eliminate unintended fence and table movement during operation.

(*) (4) You must keep hinged tables and fences firmly secured and in true alignment for all positions.

Requirements for All Circular Saws

NEW SECTION

WAC 296-806-48007 Requirements for all circular saws.

You must meet the requirements ...	in this section:
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 products	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 products	WAC 296-806-48018
Guard circular resaws	WAC 296-806-48020
Provide spreaders for circular resaws	WAC 296-806-48022

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48008 Make sure all circular saws meet these requirements. ~~((You must:~~

*) (1) You must protect employees from contacting the portion of the saw beneath or behind the table by covering it with either:

- ((-) (a) An exhaust hood, if one is required; ~~((OR~~
-)) or
- (b) A guard.

((*) (2) You must prohibit workers from inserting wedges between the saw disk and the collar to form a wobble saw.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48010 Make sure circular saw gages meet these requirements. ~~((You must:~~

*) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48012 Safeguard hand-fed circular table saws. ~~((You must:~~

*) (1) You must guard each hand-fed circular saw with a hood that completely encloses both the portion of the saw that is above both:

- ((-) (a) The table; ~~((AND~~

-)) and
- (b) The material being cut.
- ((*) (2) You must make sure the hood is designed and constructed to do **all** of the following:
- ((-) (a) Protect the operator from flying splinters and broken saw teeth.
- ((-) (b) Strong enough to resist damage from reasonable operation, adjustments, and handling.
- ((-) (c) Made of material soft enough to not break saw teeth.

Note: Hoods should be made of material that:

- ((*) 1. Does not shatter when broken.
- ((*) 2. Is not explosive.
- ((*) 3. Is less combustible than wood.

~~((You must:~~

*) (3) You must mount the hood so it does **all** of the following:

- ((-) (a) Operates positively and reliably.
- ((-) (b) Maintains true alignment with the saw.
- ((-) (c) Resists any side thrust or force that could throw it out of line.

((*) (4) You must make sure the hood:

((-) (a) Allows the material to be inserted or sawed without any considerable resistance; ~~((AND~~

-)) and

(b) Does one of the following:

~~((*) (i) Automatically remains in contact with the material being cut; ~~((OR~~~~

*) or

(ii) Is manually adjusted to within one-quarter inch of the material being cut.

~~((Exemption:))~~ 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:

- ((*) 1. Provide protection equivalent to a standard automatic adjusting guard; ~~((AND))~~ and
- ((*) 2. Be used according to the manufacturer's instructions with sufficient supervision to comply with this requirement.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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:~~

*) (1) You must provide a spreader or riving knife that is:

- ((-) (a) Made of hard-tempered steel or its equivalent.

((-) (b) Thinner than the saw kerf.

((-) (c) 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.

((-) (d) Attached so it remains in true alignment with the saw when the saw or table is tilted.

Note: ((*) The spreader or riving knife should:
 ((-) 1. Prevent material from either squeezing the saw or being thrown back at the operator.
 ((-) 2. 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
EXEMPTION: when grooving, dadoing, or rabbeting. When you finish these operations, replace the spreader immediately.

~~((You must:~~

*) (2) You must provide nonkickback fingers or dogs that are:

((-) (a) Located so they prevent the saw from either picking up the material or throwing the material back towards the operator.

((-) (b) 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:
 ((*) 1. A blade that is not sharpened.
 ((*) 2. A blade set at an incorrect height.
 ((*) 3. Poor quality lumber, such as frozen lumber, lumber with many knots, or foreign objects, such as nails.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48016 Safeguard self-feed circular saws. ~~((You must:~~

*) (1) You must provide saws and feed rolls with a hood or guard to protect the operator from contacting the in-running rolls.

((*) (2) You must make sure the guard is constructed of heavy material, preferably metal.

((*) (3) You must 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48018 Provide kickback protection for self-feed circular ripsaws when ripping wood products. ~~((You must:~~

*) You must provide saws with sectional nonkickback fingers that meet all of the following requirements:

((-) (1) They cover the full width of the feed roll.

((-) (2) They are located in front of the saw.

((-) (3) They are arranged so they keep continuous contact with the material being fed.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48020 Guard circular resaws. ~~((You must:~~

*) You must provide each circular resaw with a metal hood or shield that is:

((-) (1) Located above the saw.

((-) (2) Designed to protect the operator from flying splinters or broken saw teeth.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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.
EXEMPTION:

~~((You must:~~

*) You must provide a spreader that is all of the following:

((-) (1) Securely fastened behind the saw.

((-) (2) Slightly thinner than the saw kerf.

((-) (3) Slightly thicker than the saw disk.

Requirements for Specific Circular Saws

NEW SECTION

WAC 296-806-48023 Requirements for specific circular saws.

You must meet the requirements ...	in this section:
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 products	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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48024 Protect employees from automatic saw hazards. ~~((You must:~~

*) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48026 Guard inverted swing (jump) saws. (~~(You must)~~)

- (1) You must guard jump saws with a hood that both:
 - (*) (a) Covers the part of the saw that is exposed above the top of the table or above the material being cut; (~~AND~~ *) and
 - (b) Automatically adjusts to the thickness of the material being cut and remains in contact with it.
- (2) You must provide a holding device that will prevent stock from moving while cutting materials.
- (3) You must provide warning signs, stickers, or placards when the pinching hazard created by the holding device cannot be eliminated by design.
- (4) You must provide the following for automatically fed jump saws.
 - (*) (a) Place guards over the roller conveyor to prevent persons from walking into or over the saw.
 - (*) (b) Enclose jump saws when below the table or roller conveyor and not in actual use.
 - (*) (c) Install a positive stop to prevent the saw from passing the front edge of the roller conveyor or table.

((*) (d) Make sure the throat in the table or roller conveyor is only wide enough to permit unobstructed operation of the saw.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48028 Guard miter saws.

~~((IMPORTANT*))~~ **Important:**

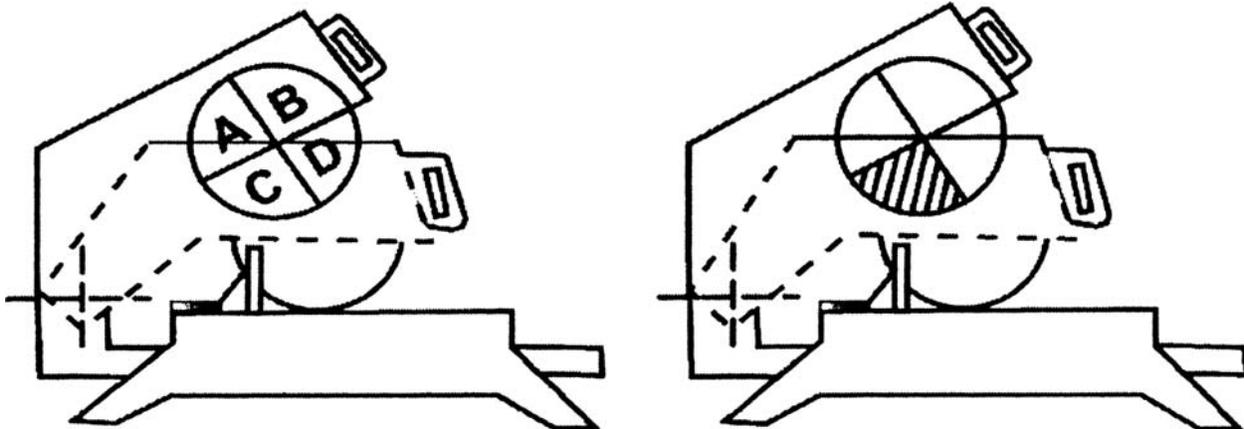
Miter saws include:

- ((*) 1. Miter.
- ((*) 2. Compound miter.
- ((*) 3. Slide miter.
- ((*) 4. Compound slide miter.

~~(You must)~~

- (1) You must guard miter saws with an upper hood that completely encloses the upper half of the blade.
- (2) You must provide a method to protect employees from contacting the blade underneath the table while in its recommended carrying position.
- (3) You must guard the lower blade:
 - ((*) (a) 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.
 - ((*) (b) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48030 Guard radial saws. (~~(You must)~~ *)

- (1) You must make sure the radial saw has a hood that does **all** of the following:
 - ((-) (a) Completely encloses the upper portion of the blade down to a point that includes the end of the saw arbor.

- ((-) (b) Protects the operator from flying splinters and broken saw teeth.
- ((-) (c) Deflects sawdust away from the operator.
- ((*) (2) You must provide a lower blade guard that does **all** of the following (see Guard radial saws, illustration 480-2):
 - ((-) (a) Guards the sides of the lower exposed portion of the blade to its full diameter.

((-)) (b) Automatically adjusts to the thickness of the stock being cut.

((-)) (c) Remains in contact with the stock to provide the maximum protection possible for the operation being performed; (~~(OR~~

-)) or

(d) Is manually adjusted (wing) guard that:

((~~(■)~~) (i) Is made of material strong enough to withstand the forces put on it.

((~~(■)~~) (ii) Suggested materials include polycarbonates or expanded metal.

((~~(■)~~) (iii) Has edges that are smooth so no hazards from the guard exist.

((~~(■)~~) (iv) Extends a minimum of eight inches to both the front and arbor-end sides.

((~~(■)~~) (v) 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.

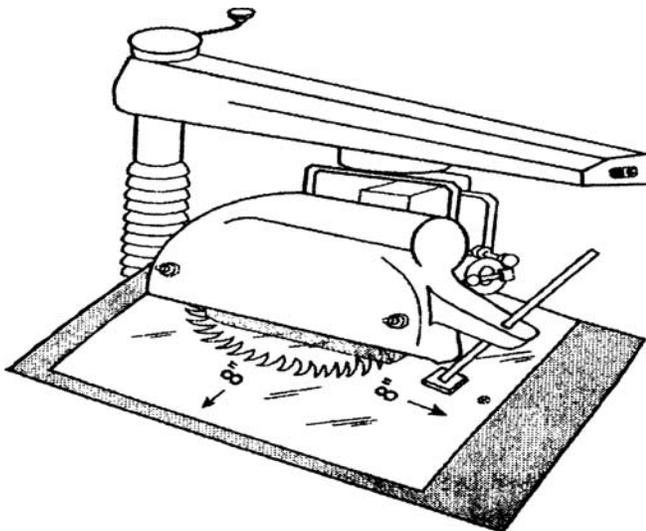
~~((Exemption:))~~ **EXEMPTION:** Saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent using a standard, automatic adjusting guard. Alternative guards have to both:

((*) 1. Provide protection equivalent to a standard automatic adjusting guard; (~~(AND)~~) and

((*) 2. 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



AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48032 Limit the travel of radial saws.

~~((You must:~~

*) (1) You must provide an adjustable stop that prevents:

((-)) (a) Forward travel of the blade beyond the position necessary to complete the cut; (~~(AND~~

-)) and

(b) Any part of the saw blade from extending beyond the front edge of the work support table.

((*) (2) You must 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.

((*) (3) You must make sure the cutting head or carriage does all of the following:

((-)) (a) Returns gently to the rest or starting position when released by the operator.

((-)) (b) Does not bounce or recoil when reaching the rest or starting position.

((-)) (c) Remains in the rest or starting position.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48034 Provide kickback protection for radial saws used for ripping wood products. (~~(((You must:~~

*) (1) You must provide nonkickback fingers or dogs that are both:

((-)) (a) 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~~

-)) and

(b) Designed to hold any thickness of material being cut.

((*) (2) You must 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.

((*) (3) You must make sure the direction of saw rotation is clearly marked on the hood.

((*) (4) You must 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:

((-)) (a) Reads, "DANGER: DO NOT RIP OR PLOUGH FROM THIS END."

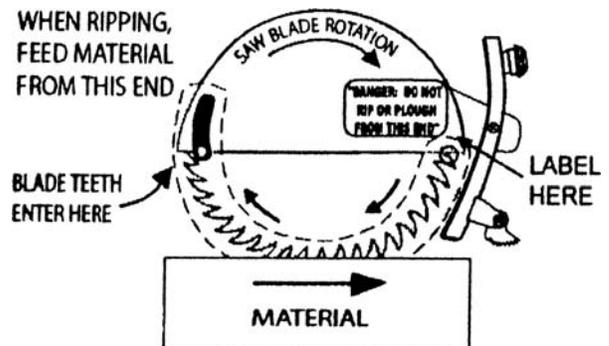
((-)) (b) Is colored standard danger red.

((-)) (c) Is not less than one and one-half inches by three-quarters inch with standard proportional lettering.

~~((RIPPING WITH A RADIAL ARM SAW))~~

Illustration 480-3

Important requirements for ripping with a radial arm saw.



~~((RIPPING~~
~~Illustration 480-3~~

~~Important requirements for ripping with a radial arm saw.))~~

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48036 Guard revolving double arbor saws. (~~You must:~~

***) You must guard** each revolving double arbor saw with a hood that completely encloses the portion of the saw that is above both:

- ~~((-))~~ (1) The table; ~~((AND~~
- ~~-))~~ and
- (2) The material being cut.

Note: Hoods should be made of material that:

- ~~((*)~~ 1. Does not shatter when broken.
- ~~((*)~~ 2. Is not explosive.
- ~~((*)~~ 3. Is less combustible than wood.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48038 Guard swing saws.

~~((IMPORTANT*))~~ **Important:**

This section applies to swing saws mounted above the table.

~~((You must:~~

***) (1) You must provide** saws with a hood that encloses all of the following:

- ~~((-))~~ (a) Upper half of the saw.
- ~~((-))~~ (b) Arbor end.
- ~~((-))~~ (c) Point of operation in all positions of the saw.
- ~~((*)~~ (2) You must make sure the hood protects operators from flying splinters and broken saw teeth.

~~((*)~~ (3) You must 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.

~~((Exemptions))~~ **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:

- ~~((*)~~ 1. Provide protection equivalent to a standard automatic adjusting guard; ~~((AND))~~ and
- ~~((*)~~ 2. Be used according to the manufacturer's instructions with sufficient supervision to meet this requirement.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48040 Limit the travel of swing saws.

~~((IMPORTANT*))~~ **Important:**

This section applies to swing saws that are mounted above the table.

~~((You must:~~

***) (1) You must provide** saws with a device that:

- ~~((-))~~ (a) Automatically returns the saw to the back of the table when the saw is released at any point in its travel.

~~((-))~~ (b) Does not depend on a rope, cord, or spring to function properly.

~~((*)~~ (2) You must make sure devices that use a counterweight meets these requirements:

- ~~((-))~~ (a) The bolts supporting the bar and the counterweight use cotter pins.
- ~~((-))~~ (b) The counterweight is prevented from dropping by one of these methods:

~~((*)~~ (i) A bolt passing through both the bar and the counterweight.

~~((*)~~ (ii) A bolt through the extreme end of the bar.

~~((*)~~ (iii) A safety chain to hold it to the bar if the counterweight does not completely encircle the bar.

~~((*)~~ (3) You must provide limit chains or another equally effective device to prevent the saw from swinging either:

~~((-))~~ (a) Beyond the front or back edge of the table; ~~((OR~~

~~-))~~ or

(b) 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 296-806-48041 Requirements for band saws and drag saws.

You must meet the requirements ...	in this section:
Make sure band saws meet these requirements	WAC 296-806-48042
Protect employees from drag saw hazards	WAC 296-806-48044

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48042 Make sure band saws meet these requirements. (~~You must:~~

***) (1) 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.

~~((*)~~ (2) You must make sure the guard for the portion of the blade between the sliding guide and the wheel guard meets these requirements:

~~((-))~~ (a) Protects the front and outer side of the blade.

~~((-))~~ (b) Is self-adjusting to move with the guide.

~~((-))~~ (c) Adjusts so the gap between the guide rolls and stock is as small as is practical.

~~((*)~~ (3) You must fully enclose band saw wheels with wheel guards that meet both of the following requirements:

~~((-))~~ (a) The outside periphery of the wheel enclosure is solid; ~~((AND~~

~~-))~~ and

(b) The front and back of the wheels are enclosed by solid material, wire mesh, or perforated metal.

~~((*)~~ (4) You must make sure the material used for wheel guards meets these requirements:

~~((-))~~ (a) Wire mesh and perforated metal guards:

- ((■)) (i) Are at least 0.037 inch (U.S. Gage No. 20) thick.
- ((■)) (ii) Have openings in them that are three-eighths inch or less.
- ((-) (b) Solid material has strength and firmness equivalent to a wire mesh or perforated steel guard.
- ((*) (5) You must make sure band saws have a tension control device to indicate the proper tension for standard saws used on the machine.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48044 Protect employees from drag saw hazards. ((~~You must~~

- *) You must protect employees passing near a drag saw by either:
 - ((-) (1) Providing a four-foot clearance when the saw is at the extreme end of the stroke; ((~~OR~~
 -) or
 - ((2) Enclosing the saw and its driving mechanism, if you cannot provide a four-foot clearance.

CUTTING HEADS

General Requirements for All Cutting Heads

NEW SECTION

WAC 296-806-48045 General requirements for all cutting heads.

You must meet the requirements ...	in this section:
Maintain and balance knives and cutting heads	WAC 296-806-48046

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48046 Maintain and balance knives and cutting heads. ((~~You must~~

- *) (1) You must make sure knives and cutting heads are kept:
 - ((-) (a) Sharp.
 - ((-) (b) Properly adjusted.
 - ((-) (c) Firmly secured.
- ((*) (2) You must make sure knives are properly balanced when two or more are used in one cutting head.

BORING AND MORTISING MACHINES

NEW SECTION

WAC 296-806-48047 Boring and mortising machines.

You must meet the requirements ...	in this section:
Make sure boring and mortising machines meet these requirements	WAC 296-806-48048

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48048 Make sure boring and mortising machines meet these requirements.

- ((~~Exemption~~)) EXEMPTION: This section does not apply to drill presses, boring machines, or mortising machines if both of the following apply:
 - ((*) 1. The downward stroke of the chuck and bit is controlled manually by the operator; ((~~AND~~) and
 - ((*) 2. The chuck and bit automatically rises to the start position when control is released.

((~~You must~~

- *) (1) You must completely enclose universal joints on spindles of boring machines to prevent accidental contact by the operator.
- ((*) (2) You must make sure you do not use safety bit chucks that have projecting set screws.
- ((*) (3) You must enclose the top of the cutting chain and driving mechanism.
- ((*) (4) You must prevent a counterweight, when used, from dropping by securing it to a bar by one of the following, or an equivalent method:
 - ((~~Securing it to a bar by one of the following:~~
 -) (a) A bolt passing through both the bar and the counterweight.
 - ((■) (b) A bolt through the extreme end of the bar.
 - ((■) (c) A safety chain to hold it to the bar if the counterweight does not completely encircle the bar; ((~~OR~~
 -) or
 - (d) 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 296-806-48049 Chipper and hog mills.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48050 Follow these requirements for chipper mills.

- ((~~Exemption~~)) EXEMPTION: This section does not apply to mobile chippers.

Reference: 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.

~~((You must:))~~

(1) You must arrange the feed system so the operator does not stand in direct line with the chipper blades or spout (hopper).

(2) You must protect the operator from chips or chunks being thrown out while feeding the machine.

(3) You must 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) You must provide a mirror or other device to allow monitoring of material when the operator cannot readily observe the material being fed into the chipper.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48052 Follow these requirements for hog mills. (~~You must:~~)

(1) You must make sure that feed chutes are at least forty inches from the knives or feed roll.

(2) You must provide baffles or other suitable safeguards to prevent material from being thrown from the hog mill.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48054 Protect employees from falling into chipper and hog mills. (~~You must:~~)

•) 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:

((-) (1) A safety belt (or harness) and a lifeline short enough to prevent workers from falling into the mill.

((-) (2) 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 296-806-48055 Jointers.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48056 Make sure jointers with horizontal cutting heads meet these requirements. (~~You must:~~)

•) (1) You must make sure the cutting head on hand-fed jointers is cylindrical:

((-) (2) You must install and adjust the knife blade so it does not protrude more than one-eighth inch beyond the body of the head.

((•) (3) You must make sure the opening in the table meets **all** of the following:

((-) (a) Is kept as small as possible.

((-) (b) The clearance between the edge of the rear table and the cutting head is not more than one-eighth inch.

((-) (c) 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.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48058 Guard horizontal cutting heads on hand-fed jointers. (~~You must:~~)

•) (1) You must provide jointers with an automatic guard on the working side of the fence or gage that does **all** of the following:

((-) (a) Covers all sections of the head.

((-) (b) Effectively keeps the operator's hand from contacting the revolving knives.

((-) (c) Automatically adjusts to cover the unused portion of the head.

((-) (d) Remains in contact with the material at all times.

((•) (2) You must provide jointers with a guard that covers the section of the head behind the gage or fence.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48060 Guard vertical cutting heads on jointers. (~~You must:~~)

•) 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 MACHINES

NEW SECTION

WAC 296-806-48061 Molding, sticking and matching machines.

You must meet the requirements ...	in this section:
Make sure molding, sticking and matching machines meet these requirements	WAC 296-806-48062

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48062 Make sure molding, sticking and matching machines meet these requirements. (~~You must:~~

*) (1) You must make sure all cutting heads, and saws if used, are covered by a guard that:

((-) (a) Is metal.

((-) (b) Forms all or part of the exhaust hood if an exhaust system is used.

((*) (2) You must make sure a guard constructed from:

((-) (a) Sheet metal is at least one-sixteenth inch thick.

((-) (b) Cast iron is at least three-sixteenths inch thick.

((*) (3) You must make sure feed rolls are guarded by a hood or other suitable guard that both:

((-) (a) Prevents the operator's hand from contacting the in-running rolls at any point; (~~AND~~

-) and

(b) Is attached to the frame carrying the rolls so it adjusts for any thickness of stock.

PANEL RAISERS AND OTHER SIMILAR MACHINES

NEW SECTION

WAC 296-806-48063 Panel raisers and other similar machines.

You must meet the requirements ...	in this section:
Guard hand-fed panel raisers and other similar machines	WAC 296-806-48064

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48064 Guard hand-fed panel raisers and other similar machines. (~~You must:~~

*) You must guard the cutting heads of hand-fed panel raisers and other similar machines by enclosing the cutting head with either:

((-) (1) A fixed guard such as a cage; (~~OR~~

-) or

(2) An adjustable guard designed to keep the operator's hand away from the cutting edge.

PLANERS

NEW SECTION

WAC 296-806-48065 Planers.

You must meet the requirements ...	in this section:
Make sure planers with a horizontal cutting head meet these requirements	WAC 296-806-48066
Guard planers	WAC 296-806-48068

You must meet the requirements ...	in this section:
Guard planer feed rolls	WAC 296-806-48070
Provide kickback protection on planers running stock of varied thicknesses	WAC 296-806-48072

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48066 Make sure planers with a horizontal cutting head meet these requirements. (~~You must:~~

*) (1) You must make sure the cutting head on hand-fed planers is cylindrical.

((-) (2) You must install and adjust the knife blade so it does not extend more than one-eighth inch beyond the body of the head.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48068 Guard planers. (~~You must:~~ *) (1) You must make sure all cutting heads, and saws if used, are covered by a guard that:

((-) (a) Is metal.

((-) (b) Forms all or part of the exhaust hood if an exhaust system is used.

((*) (2) You must make sure a guard constructed from:

((-) (a) Sheet metal is at least one-sixteenth inch thick.

((-) (b) Cast iron is at least three-sixteenths inch thick.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48070 Guard planer feed rolls. (~~You must:~~

*) You must make sure feed rolls are guarded by a hood or other suitable guard that:

((-) (1) Prevents the operator's hand from contacting the in-running rolls at any point.

((-) (2) Is attached to the frame carrying the rolls so it remains in adjustment for any thickness of stock.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48072 Provide kickback protection on planers running stock of varied thicknesses. (~~You must:~~

*) You must provide kickback protection on planers running stock of varied thicknesses at the same time by providing either:

((-) (1) Sectional feed rolls that provide feeding contact pressure on the stock; (~~OR~~

-) or

(2) 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 296-806-48073 Shapers.

You must meet the requirements ...	in this section:
Make sure shapers meet these requirements	WAC 296-806-48074

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48074 Make sure shapers meet these requirements. ((You must:

•)) (1) You must guard the cutting head of the shaper by enclosing it with either:

((-) (a) A fixed guard, such as a cage; ((OR -)) or

(b) An adjustable guard designed to keep the operator's hand away from the cutting edge.

((•) (2) You must 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:

•)) (3) 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:

•)) (4) You must make sure all double-spindle shapers have a spindle starting and stopping device for each spindle.

TENONING MACHINES

NEW SECTION

WAC 296-806-48075 Tenoning machines.

You must meet the requirements ...	in this section:
Guard tenoning machine feed chains and sprockets	WAC 296-806-48076
Guard tenoning machines	WAC 296-806-48078

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48076 Guard tenoning machine feed chains and sprockets. ((You must:

•)) You must guard feed chains and sprockets of all double-end tenoning machines by completely enclosing both of the following:

((-) (1) All sprockets; ((AND -)) and

(2) Portions of the chain that are not used for conveying stock.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48078 Guard tenoning machines.

((You must:

•)) (1) You must make sure all cutting heads, and saws if used, are covered by a metal guard that:

((-) (a) Covers at least the unused part of the periphery of the cutting head.

((-) (b) Forms all or part of the exhaust hood if an exhaust system is used.

((•) (2) You must make sure a guard constructed from:

((-) (a) Sheet metal is at least one-sixteenth inch thick.

((-) (b) Cast iron is at least three-sixteenths inch thick.

VENEER MACHINES

NEW SECTION

WAC 296-806-48079 Veneer machines.

You must meet the requirements ...	in this section:
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

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48080 Guard veneer cutters and wringer knives. ((You must:

•)) You must provide guards to prevent accidental contact with the front or rear knife edge.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48082 Guard veneer clippers. ((You must:

•)) You must make sure employees do not accidentally contact the knife edge of veneer clippers by providing either:

((-) (1) An automatic feed; ((OR

-)) or

(2) Guarding at both the front and rear of the clippers.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48084 Follow these requirements for guarding guillotine cutters.

~~((Exemption:))~~ These requirements do not apply to continuous-feed trimmers.
EXEMPTION:

~~((You must:))~~

(1) You must provide **one** of the following to hand and foot powered guillotine cutters, so employees' hands cannot reach the cutting edge of the knife:

(*) (a) Rods.

(*) (b) Plates.

(*) (c) Other satisfactory means of protection such as those outlined in, Safeguarding methods, WAC 296-806-20042 through 296-806-20058.

(2) You must provide power-driven guillotine veneer cutters with either of the following:

(*) (a) Starting devices for each operator that require all of the following:

(-) (i) Both hands activating controls at the same time to start the cutting motion;

(-) (ii) At least one hand on a control during the complete stroke of the knife; ~~((OR~~

*)) or

(b) An automatic guard that does all of the following:

(-) (i) Keeps the hands of the operator away from the danger zone every time the blade comes down.

(-) (ii) Is used in combination with one-handed starting devices that require two separate movements of the device to start the cutting motion.

(-) (iii) Is designed to return positively to the nonstarting position after each complete cycle of the knife.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48086 Provide mechanisms to stop power-driven guillotine cutters.

~~((Exemption:))~~ This requirement does not apply to continuous-feed trimmers.
EXEMPTION:

~~((You must:))~~

*) You must provide power-driven guillotine cutters with both:

(-) (1) Brakes or other stopping mechanism; ~~((AND~~ -)) and

(2) An emergency device that will prevent the machine from operating if the brake fails when the starting mechanism is in the nonstarting position.

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-48088 Prohibit riders on veneer slicer carriages. ~~((You must:))~~

*) You must prohibit employees from riding on veneer slicer carriages.

SEWING MACHINES

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

WAC 296-806-485 ((Summary:)) Sewing machines.

Summary

(1) 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.

(2) 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.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Guard sewing machine needles</u>	<u>WAC 296-806-48502</u>

AMENDATORY SECTION (Amending WSR 04-14-028, filed 6/29/04, effective 1/1/05)

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.
EXEMPTION:

~~((You must:))~~

*) You must provide a permanently attached guard on each sewing machine that:

(-) (1) Prevents the operator's fingers from passing under the needle.

(-) (2) 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-806-500 Definitions.

NEW SECTION

WAC 296-809-099 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:

(a) Large enough and arranged so an employee could fully enter the space and work.

(b) 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.

(c) 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 chapter 296-803 WAC, Lockout-tagout (control of hazardous energy), and chapter 296-841 WAC, Airborne Contaminants, 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 296-809-500, Permit entry procedures.

Entry supervisor. The person (such as the employer, crew leader, or crew chief) responsible for:

(a) Determining if acceptable entry conditions are present at a permit-required confined space where entry is planned;

(b) Authorizing entry and overseeing entry operations; and

(c) 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:

(a) Flammable gas, vapor, or mist in excess of ten percent of its lower flammable limit (LFL).

(b) 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.

(c) Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent.

(d) 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 chapter 296-841 WAC, Airborne contaminants.

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.

(e) 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:

1. Safety data sheets required by WAC 296-901-14014, Safety data sheets.
2. Published information.
3. 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:

(a) An immediate or delayed threat to life.

(b) Anything that would cause irreversible adverse health effects.

(c) 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:

- (a) Contains or has a potential to contain a hazardous atmosphere;
- (b) Contains a material with the potential for engulfing someone who enters;
- (c) 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;
- (d) Contains any physical hazard. This includes any recognized health or safety hazards including engulfment in solid or liquid material, electrical shock, or moving parts;
- (e) Contains any other recognized serious safety or health hazard that could either:
 - (i) Impair the ability to self-rescue; or
 - (ii) Result in a situation that presents an immediate danger to life or health.

Permit-required confined space program. An overall program for:

- (a) Controlling and appropriately protecting employees from permit-required confined space hazards; and

(b) 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.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-100 Scope. This chapter applies to all confined spaces and provides requirements to protect employees from the hazards of entering and working in confined spaces. This chapter applies in any of the following circumstances:

- (*) (1) You have confined spaces in your workplace.
 - (*) (2) Your employees will enter another employer's confined spaces.
 - (*) (3) A contractor will enter your confined spaces.
 - (*) (4) 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					
	200	300	400	500	600	700
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.)~~

Rules in other chapters that cover confined spaces may also apply to your work. You can find a list of these rules in the resources section of this chapter.

Note: (*) 1. 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 chapter, 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.
 ((*) 2. If you are uncertain which requirements to follow, contact your local labor and industries (L&I) office.
 ((*) 3. For a complete list of local L&I offices, see the resources section of the safety and health core rules, chapter 296-800 WAC.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-200 ~~((Summary.))~~ **Identifying and controlling permit-required confined spaces.**

~~((Identifying and controlling permit required confined spaces.))~~ **Summary**

Your responsibility:

To identify your permit-required confined spaces and control employee entry.

~~((You must:~~

Identify permit-required confined spaces:

~~**WAC 296-809-20002**~~

~~Inform employees and control entry to permit-required confined spaces:~~

~~**WAC 296-809-20004**~~

~~Follow these requirements when you contract with another employer to enter your confined space.~~

~~**WAC 296-809-20006**~~)

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Identify permit-required confined spaces</u>	<u>WAC 296-809-20002</u>
<u>Inform employees and control entry to permit-required confined spaces</u>	<u>WAC 296-809-20004</u>
<u>Follow these requirements when you contract with another employer to enter your confined space</u>	<u>WAC 296-809-20006</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-20002 Identify permit-required confined spaces.

~~((IMPORTANT.))~~ **Important:**

1. 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:

((-) a. WAC 296-809-200, Identifying and controlling permit-required confined spaces; and

((-) b. WAC 296-809-700, Nonpermit confined space requirements.

((*) 2. See the resources section for other chapters covering confined spaces that may apply to your work.

~~((You must:~~

*) (1) You must identify all permit-required confined spaces in your workplace.

((*) (2) You must assume any confined space is a permit-required confined space, unless you determine the space to be a nonpermit confined space.

((-) (a) If you enter the space to determine the hazards, follow the requirements in WAC 296-809-500, Permit entry procedures.

((-) (b) 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 296-809-700.

~~((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.))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-20004 Inform employees and control entry to permit-required confined spaces. ~~((You must:))~~

(1) You must provide information about confined spaces as follows:

((*) (a) Make available to affected employees and their authorized representatives all information and documents required by this chapter.

((*) (b) Inform affected employees about the existence, location, and danger of any permit-required confined spaces in your workplace by:

((-) (i) Posting danger signs; or

((-) (ii) 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) You must 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.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-20006 Follow these requirements when you contract with another employer to enter your confined space.

~~((IMPORTANT:))~~ **Important:**

The contractor is responsible for following all confined space requirements in this chapter and in other rules that apply. For a list of other rules that may apply, see the resources section of this chapter.

~~((You must:))~~

•) 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:

((-) (1) Inform the contractor:

((■) (a) That the workplace contains permit-required confined spaces and entry is allowed only if the applicable requirements of this chapter are met.

((■) (b) Of the identified hazards and your experience with each permit-required confined space.

((■) (c) Of any precautions or procedures you require for the protection of employees in or near spaces where the contractor will be working.

((-) (2) 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.

((-) (3) Discuss entry operations with the contractor when they are complete. Include the following in your discussion:

((■) (a) The program followed during confined space entry; and

((■) (b) Any hazards confronted or created.

~~((PERMIT REQUIRED CONFINED SPACE PROGRAM))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-300 ((Summary:)) Permit-required confined space program.

Summary

Your responsibility:

To develop your permit-required confined space program and practices.

~~((IMPORTANT:))~~ **Important:**

This section applies if employees will enter a permit-required confined space.

~~((You must:))~~

~~Develop a written permit-required confined space program.~~

~~**WAC 296-809-30002**~~

~~Meet these additional requirements if your employees enter another employer's confined space.~~

~~**WAC 296-809-30004**~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Develop a written permit-required confined space program</u>	<u>WAC 296-809-30002</u>
<u>Meet these additional requirements if your employees enter another employer's confined space</u>	<u>WAC 296-809-30004</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-30002 Develop a written permit-required confined space program.

~~((IMPORTANT:))~~

•) **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:))~~

•) (1) 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 chapter. Include the following when applicable to your confined space entry program:

((-) (a) Documentation of permit entry procedures.

((-) (b) Documentation used for alternate entry procedures.

((-) (c) How to reclassify permit-required confined spaces to nonpermit spaces.

((-) (d) Designation of employee roles, such as entrants, attendants, entry supervisors, rescuers, or those who test or monitor the atmosphere in a permit-required space.

((-) (e) Identification of designated employee duties.

((-) (f) Training employees on their designated roles.

((-) (g) How to identify and evaluate hazards.

((-) (h) Use and maintenance of equipment.

((-) (i) How to prevent unauthorized entry.

((-) (j) How to coordinate entry with another employer.

((-) (k) How to rescue entrants.

Note: For alternate entry, your written program only needs to meet the requirements of WAC 296-809-400, Employee training, and WAC 296-809-600, Alternate entry procedures, of this chapter.

~~((You must:))~~

•) (2) You must consult with affected employees and their authorized representatives when developing and implementing all aspects of your permit-required confined space program.

((■) (3) You must make the written program available to employees and their authorized representatives.

((■) (4) You must update your written program as necessary.

Link: You can find a sample permit-required confined space entry program in the user guide located in the resources section of this chapter or by visiting the labor and industries web site at (<http://www.lni.wa.gov/wisha/publications/App>) <http://www.lni.wa.gov/FormPub> or <http://www.lni.wa.gov/safety/rules/helpfultools/default.asp>.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-30004 Meet these additional requirements if your employees enter another employer's confined space. ~~(You must:~~

~~•)~~ **(1) You must** obtain any available information about permit-required confined space hazards and entry operations from the host employer.

~~(•)~~ **(2) You must** coordinate entry operations with any other employers whose employees will be working in or near the permit-required confined space.

~~(•)~~ **(3) You must** inform the host employer, either through a debriefing or during entry operations, about:

~~(-)~~ **(a)** The entry program you will follow; and

~~(-)~~ **(b)** Any hazards you confronted or created in the space during entry operations.

~~((EMPLOYEE TRAINING))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-400 ~~((Summary-))~~ Employee training. Summary

Your responsibility:

To make sure employees are trained to perform their designated roles safely.

~~(You must:~~

~~Provide employee training.~~

~~WAC 296-809-40002~~

~~Certify employee proficiency.~~

~~WAC 296-809-40004)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
Provide employee training	WAC 296-809-40002
Certify employee proficiency	WAC 296-809-40004

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-40002 Provide employee training. ~~(You must:~~

~~•)~~ **(1) 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.

~~(-)~~ **(a)** Establish employee proficiency in their confined space duties.

~~(-)~~ **(b)** Introduce new or revised procedures as necessary.

Note: Employers can determine employee proficiency by:
~~(-)~~ **1.** Observing employee performance during training exercises that simulate actual confined space conditions.
~~(-)~~ **2.** A comprehensive written examination; or
~~(-)~~ **3.** Any other method that is effective for the employer.

~~((You must:~~

~~•)~~ **(2) You must** provide training at the following times:

~~(-)~~ **(a)** Before an employee is first assigned to duties covered by this chapter.

~~(-)~~ **(b)** Before there is a change in an employee's assigned duties.

~~(-)~~ **(c)** When there is a permit-required confined space hazard for which the employee has not already been trained.

~~(-)~~ **(d)** If you have reason to believe that there are either:

~~(■)~~ **(i)** Deviations from your procedures for permit-required confined space entry; or

~~(■)~~ **(ii)** Employee knowledge or use of your procedures is inadequate.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-40004 Certify employee proficiency. ~~(You must:~~

~~•)~~ **(1) You must** certify employee proficiency in their assigned duties.

~~(•)~~ **(2) You must** make sure the certification:

~~(-)~~ **(a)** Contains each employee's name, the trainer's written or electronic signature or initials, and the dates of training.

~~(-)~~ **(b)** Is available for inspection by employees and their authorized representatives.

~~((PERMIT ENTRY PROCEDURES))~~

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-500 ~~((Summary-))~~ Permit entry procedures. Summary

Your responsibility:

To establish procedures for the safe permit-required entry of confined spaces.

~~((Implement procedures for entry permits.~~

~~WAC 296-809-50002~~

~~Use an entry permit that contains all required information.~~

~~WAC 296-809-50004~~

~~Keep and review your entry permits.~~

~~WAC 296-809-50006~~

~~Prevent unauthorized entry.~~

~~WAC 296-809-50008~~

~~Provide, maintain, and use proper equipment.~~

~~WAC 296-809-50010~~

~~Evaluate and control hazards for safe entry.~~

~~WAC 296-809-50012~~

~~Make sure you have adequate rescue and emergency services available.~~

~~WAC 296-809-50014~~

~~Use nonentry rescue systems or methods whenever possible.~~

~~WAC 296-809-50016~~

~~Make sure entry supervisors perform their responsibilities and duties.~~

~~WAC 296-809-50018~~

~~Provide an attendant outside the permit-required confined space.~~

~~WAC 296-809-50020~~

~~Make sure entrants know the hazardous conditions and their duties.~~

~~WAC 296-809-50022~~

~~Implement procedures for ending entry.~~

~~WAC 296-809-50024~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Implement procedures for entry permits</u>	<u>WAC 296-809-50002</u>
<u>Use an entry permit that contains all required information</u>	<u>WAC 296-809-50004</u>
<u>Keep and review your entry permits</u>	<u>WAC 296-809-50006</u>
<u>Prevent unauthorized entry</u>	<u>WAC 296-809-50008</u>
<u>Provide, maintain and use proper equipment</u>	<u>WAC 296-809-50010</u>
<u>Evaluate and control hazards for safe entry</u>	<u>WAC 296-809-50012</u>
<u>Make sure you have adequate rescue and emergency services available</u>	<u>WAC 296-809-50014</u>
<u>Use nonentry rescue systems or methods whenever possible</u>	<u>WAC 296-809-50016</u>
<u>Make sure entry supervisors perform their responsibilities and duties</u>	<u>WAC 296-809-50018</u>
<u>Provide an attendant outside the permit-required confined space</u>	<u>WAC 296-809-50020</u>
<u>Make sure entrants know the hazardous conditions and their duties</u>	<u>WAC 296-809-50022</u>
<u>Implement procedures for ending entry</u>	<u>WAC 296-809-50024</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50002 Implement procedures for entry permits. ((You must:

-) (1) You must identify and evaluate, before employees enter, potential hazards from:
 - (-) (a) The permit-required confined space; and
 - (-) (b) The work to be performed.

((•) (2) You must complete an entry permit before entry is authorized, documenting that you have completed the means, procedures and practices necessary for safe entry and work.

((•) (3) You must 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.

((•) (4) You must identify the entry supervisor((-)) and make sure the entry supervisor signs the entry permit, authorizing entry, before the space is entered.

((•) (5) You must 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.

((•) (6) You must make sure the duration of the permit does not exceed the time required to complete the assigned task or job identified on the permit.

((•) (7) You must 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.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50004 Use an entry permit that contains all required information. ((You must:

•) You must make sure your entry permit identifies all of the following that apply to your entry operation:

- (-) (1) The space to be entered.
- (-) (2) Purpose of the entry.
- (-) (3) Date and the authorized duration of the entry permit.
- (-) (4) Hazards of the space to be entered.
- (-) (5) Acceptable entry conditions.
- (-) (6) 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.
- (-) (7) 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.
- (-) (8) 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.
- (-) (9) The current entry supervisor.
- (-) (10) A space for the signature or initials of the original supervisor authorizing entry.
- (-) (11) Communication procedures for entrants and attendants to maintain contact during the entry.
- (-) (12) Equipment provided for safe entry, such as:
 - (•) (a) Personal protective equipment (PPE).
 - (•) (b) Testing equipment.
 - (•) (c) Communications equipment.
 - (•) (d) Alarm systems.

((■)) (e) Rescue equipment.

((-) (13) Rescue and emergency services available, and how to contact them. Include equipment to use, and names and contact information.

((-) (14) Other information needed for safety in the particular confined space.

((-) (15) Additional permits issued for work in the space, such as for hot work.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50006 Keep and review your entry permits. ((You must:

•)) (1) You must keep entry permits for at least one year.

((•) (2) You must keep entry permits or other atmospheric monitoring records that show the actual atmosphere an employee entered or worked in, as employee exposure records.

((•) (3) You must review your permit-required confined space entry program ((as follows:

~~Conduct~~) by conducting 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:

- ((•) 1. There is unauthorized entry of a permit space.
- ((•) 2. A permit space hazard not covered by the permit is found.
- ((•) 3. A condition prohibited by the permit occurs.
- ((•) 4. An injury or near-miss occurs during entry.
- ((•) 5. There is a change in the use or configuration of a permit space.
- ((•) 6. An employee complains about the effectiveness of the program.

((You must:

-)) (4) You must review canceled entry permits within one year following each entry to evaluate:

((■) (a) Your permit-required confined space program.

((■) (b) The protection provided to employees entering permit-required confined spaces.

((-) (5) You must 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.

Reference: Keep employee exposure records according to chapter 296-62 WAC, Part B, Access to records.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50008 Prevent unauthorized entry. ((You must:

•)) You must implement measures necessary to prevent unauthorized entry into permit-required confined spaces, when conducting authorized entry.

Note: ((•) 1. When removing entrance covers to open the confined space, protect entrants and those outside the confined space from hazards.
((•) 2. Examples of measures to prevent unauthorized entry are signs, barricades, warning tape, and an attendant.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50010 Provide, maintain, and use proper equipment. ((You must:

•)) (1) You must provide the equipment in Table 2, when needed and at no cost to employees.

((•) (2) You must make sure that employees use provided equipment properly.

((•) (3) You must 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

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50012 Evaluate and control hazards for safe entry. ((•) (1) You must evaluate and control hazards for safe entry into permit-required confined spaces by doing all the following:

- (-) (a) Test for atmospheric hazards, in this order:
 - (+) (i) Oxygen.
 - (+) (ii) Combustible gases and vapors.
 - (+) (iii) Toxic gases and vapors.
- (-) (b) Provide each entrant or their authorized representative an opportunity to observe any of the following:
 - (+) (i) Preentry testing.
 - (+) (ii) Subsequent testing.
 - (+) (iii) Monitoring of permit-required spaces.
- (-) (c) 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.
- (-) (d) Upon request, immediately provide each entrant or their authorized representative, with the results of any testing required by this rule.
- (-) (e) Continuously monitor conditions in areas where entrants are working, when isolation of the space is not feasible.
- (+) (2) Examples would be a large space or space that is part of a continuous system, such as a sewer.
- (+) (3) You must 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)) <u>1</u> employer working at the same time in or around a permit-required confined space, do not endanger each other

~~((IMPORTANT))~~ **Important:**

This section applies to both:

- (-) 1. Employers whose employees use permit entry procedures; and
- (-) 2. Employers who provide rescue services.

AMENDATORY SECTION (Amending WSR 09-05-071, filed 2/17/09, effective 4/1/09)

WAC 296-809-50014 Make sure you have adequate rescue and emergency services available. ~~((You must:))~~

- (1) You must make sure you have adequate rescue and emergency services available during your permit-required confined space entry operations.
 - (+) (a) Evaluate and select rescue teams or services who can:
 - (-) (i) 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.

(-) (ii) Proficiently rescue employees from a permit-required confined space in your workplace. Rescuers must have the appropriate equipment for the type of rescue.

(+) (b) Make sure that at least one member of the rescue team or service holds a current certification in first aid and cardiopulmonary resuscitation (CPR).

(+) (c) Inform each rescue team or service about the hazards they may confront when called to perform rescue.

(+) (d) 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, chapter 296-842 WAC, 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.

(2) You must provide employees assigned to provide permit-required confined space rescue and emergency services (~~must be provided~~), at no cost to the employee, with:

(+) (a) Personal protective equipment (PPE) needed for safe entry.

(+) (b) Other equipment required to conduct rescues safely.

(+) (c) Training so they are:

(-) (i) Proficient in the use of the PPE and other equipment.

(-) (ii) Proficient as an entrant of permit-required confined spaces.

(-) (iii) Able to safely perform assigned rescue and emergency duties.

(-) (iv) Knowledgeable in basic first aid and cardiopulmonary resuscitation (CPR).

(+) (d) Practice sessions for permit-required confined space rescues **at least** once every twelve months where dummies, manikins, or actual persons are removed from either:

(-) (i) The actual permit spaces; or

(-) (ii) Representative permit spaces that simulate the opening size, configuration, and accessibility, of permit spaces where rescue will be performed.

(3) You must establish procedures for:

(+) (a) Contacting rescue and emergency services.

(+) (b) Rescuing entrants from permit-required confined spaces.

(+) (c) Providing necessary emergency services to rescued entrants.

(+) (d) Preventing unauthorized persons from attempting a rescue.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50016 Use nonentry rescue systems or methods whenever possible. ~~((You must:))~~

(+) (1) You must use nonentry retrieval systems or methods to rescue entrants in a permit-required confined space unless this:

((-) (a) Would increase the overall risk of injury to entrants; or

((-) (b) Would not contribute to the rescue of the entrant.

((*) (2) You must 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:

((-) (a) At the center of the employee's back, near shoulder level.

((-) (b) Above the employee's head.

((-) (c) At another point which presents a profile small enough for the successful removal of the employee.

((*) (3) You must attach the retrieval line to a mechanical device or fixed point outside the space, so rescue can begin as soon as necessary.

((*) (4) You must 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.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50018 Make sure entry supervisors perform their responsibilities and duties. (~~You must:~~

*) You must make sure that an entry supervisor:

((-) (1) Authorizes the entry into a permit-required confined space by signing the entry permit.

((-) (2) Oversees entry operations.

((-) (3) Knows about the hazards that may be faced during entry, including the mode, signs or symptoms, and consequences of the exposure.

((-) (4) Verifies and checks **all** of the following:

((*) (a) The appropriate entries have been made on the permit.

((*) (b) All tests specified by the permit have been conducted.

((*) (c) All procedures and equipment specified by the permit are in place before approving the permit and allowing entry to the space.

((-) (5) Terminates the entry and cancels the permit when:

((*) (a) The assigned task or job has been completed.

((*) (b) A condition in the space that is not covered by the entry permit is discovered.

((-) (6) Verifies that rescue services are available and that there is a way to contact them.

((-) (7) Removes unauthorized individuals who enter or attempt to enter the permit-required confined space during entry operations.

((-) (8) Determines that entry operations remain consistent with the terms of the entry permit and acceptable entry conditions are maintained:

((*) (a) Whenever responsibility for a permit-required space entry operation is transferred; and

((*) (b) At regular intervals dictated by the hazards and operations performed within the space.

Note: ((*) 1. Make sure entry supervisors have the required knowledge and proficiency to perform the job duties and responsibilities required by this chapter.

((*) 2. The entry supervisor may also perform other duties under this chapter, such as attendant or entrant, if they are trained and proficient in those duties.

((*) 3. The responsibility of the entry supervisor may be passed from one supervisor to another during an entry operation.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50020 Provide an attendant outside the permit-required confined space.

~~(IMPORTANT:~~

*) **Important:**

1. The number of attendants assigned should be tailored to the requirements of the space and the work performed.

((*) 2. 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.

((*) 3. 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:~~

*) (1) You must provide at least one attendant outside the permit-required confined space during entry operations.

((*) (2) You must make sure each permit-required confined space attendant:

((-) (a) Understands the hazards that may be faced during entry, including the mode, signs or symptoms, and results of exposure to the hazards.

((-) (b) Is aware of the behavioral effects of exposure to the hazard.

((-) (c) Continuously maintains an accurate count of entrants in the space.

((-) (d) Maintains an accurate record of who is in the permit-required confined space.

((-) (e) Communicates with entrants as necessary to monitor their status or alert them of the need to evacuate the space.

((-) (f) Monitors activities inside and outside the space to determine if it is safe for entrants to remain in the space.

((-) (g) Orders entrants to evacuate the space immediately if **any** of the following conditions occur:

((*) (i) A prohibited condition.

((*) (ii) The behavioral effects of hazardous exposure in an entrant.

((*) (iii) A situation outside the space that could endanger entrants.

((*) (iv) The attendant cannot effectively and safely perform all the duties required in this chapter.

((-) (h) Takes the following actions when unauthorized persons approach or enter a space:

((*) (i) Warn unauthorized persons to stay away from the space.

((*) (ii) Tells the unauthorized persons to exit immediately if they have entered the space.

((■)) (iii) Informs entrants and the entry supervisor if unauthorized persons have entered the space.

((-) (i) Performs nonentry rescues as specified by your rescue procedure.

((-) (j) 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.

((-) (k) Carries out no duties that might interfere with their primary duty to monitor and protect the entrants.

((-) (l) Calls for rescue and other emergency services as soon as entrants may need assistance to escape from the space.

((-) (m) Monitors entry operations until relieved by another attendant or all entrants are out of the space.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50022 Make sure entrants know the hazardous conditions and their duties. (~~You must:~~

•) You must make sure that all entrants:

((-) (1) Know the hazards they may face during entry, including the mode, signs or symptoms, and results of exposure to the hazards.

((-) (2) Use equipment properly.

((-) (3) Communicate with the attendant as necessary so the attendant can:

((■)) (a) Monitor entrant status.

((■)) (b) Alert entrants of the need to evacuate.

((-) (4) Alert the attendant whenever either of these situations exist:

((■)) (a) 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.

((■)) (b) A prohibited condition.

((-) (5) Exit from the permit-required confined space as quickly as possible when one of the following occurs:

((■)) (a) The attendant or entry supervisor gives an order to evacuate.

((■)) (b) The entrant recognizes any warning sign or symptom of exposure to a dangerous situation.

((■)) (c) The entrant detects a prohibited condition.

((■)) (d) An evacuation alarm is activated.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-50024 Implement procedures for ending entry. (~~You must:~~

•) You must make sure you terminate the entry when entry operations are completed, including securing an entrance cover and canceling the permit.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-600 Alternate entry procedures.

Summary(±)

Your responsibility:

To choose alternate entry procedures for spaces where the only hazard is a hazardous atmosphere.

~~(IMPORTANT:)~~ **Important:**

In addition to this section, you also need to meet the requirements in the following sections of this chapter:

((-) 1. WAC 296-809-200, Identifying and controlling permit-required confined spaces.

((-) 2. WAC 296-809-300, Permit-required confined space program.

((-) 3. WAC 296-809-400, Employee training.

~~(You must:~~

~~Make sure the following conditions are met if using alternate entry procedures:~~

~~WAC 296-809-60002~~

~~Follow these alternate entry procedures for permit-required confined spaces:~~

~~WAC 296-809-60004)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure the following conditions are met if using alternate entry procedures</u>	<u>WAC 296-809-60002</u>
<u>Follow these alternate entry procedures for permit-required confined spaces</u>	<u>WAC 296-809-60004</u>

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-60002 Make sure the following conditions are met if using alternate entry procedures. (~~You must:~~

•) (1) 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:

((■)) (a) That the only hazard of the permit-required confined space is an actual or potentially hazardous atmosphere.

((■)) (b) That continuous forced air ventilation alone is all that is needed to maintain the permit-required confined space for safe entry.

((*) (2) You must make sure an entry to obtain monitoring and inspection data or to eliminate hazards is performed according to WAC 296-809-500, Permit entry procedures.

((*) (3) You must make sure all documentation produced is available to each affected employee and their authorized representative.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-60004 Follow these alternate entry procedures for permit-required confined spaces. (~~You must:~~

•) You must use the following alternate entry procedures:

((-) (1) Eliminate any unsafe conditions before removing an entrance cover.

((■)) (a) 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.

((■)) (b) 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.

((■)) (c) Make the preentry certification available before entry to each entrant.

((-) (2) 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:

- ((■)) (a) Oxygen content.
- ((■)) (b) Flammable gases and vapors.
- ((■)) (c) Potential toxic air contaminants.

((-) (3) Provide entrants, or their authorized representatives, with an opportunity to observe the preentry and periodic testing.

((-) (4) Make sure the atmosphere within the space is not hazardous when entrants are present.

((-) (5) Use continuous forced air ventilation, as follows:

((■)) (a) Wait until the forced air ventilation has removed any hazardous atmosphere before allowing entrants into the space.

((■)) (b) Direct forced air ventilation toward the immediate areas where employees are, or will be, and continue ventilation until all employees have left the space.

((■)) (c) Provide the air supply from a clean source and make sure it does not increase hazards in the space.

((-) (6) Test the atmosphere within the space as needed to make sure hazards do not accumulate.

((-) (7) If a hazardous atmosphere is detected during entry, do all of the following:

((■)) (a) Evacuate employees from the space immediately.

((■)) (b) Evaluate the space to determine how the hazardous atmosphere developed.

((■)) (c) Implement measures to protect employees from the hazardous atmosphere before continuing the entry operation.

((■)) (d) Verify the space is safe for entry before continuing the entry operation.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-700 Nonpermit confined spaces requirements.

Summary((+))

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 296-809-70002**~~

~~Reevaluate nonpermit confined spaces if hazards develop.~~

~~**WAC 296-809-70004))**~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Follow these requirements when classifying a confined space as a nonpermit confined space</u>	<u>WAC 296-809-70002</u>
<u>Reevaluate nonpermit confined spaces if hazards develop</u>	<u>WAC 296-809-70004</u>

~~((IMPORTANT:))~~ **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 chapter that apply.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-809-70002 Follow these requirements when classifying a confined space as a nonpermit confined space. ((You must:

•)) (1) You must make sure the confined space meets these conditions to be classified as nonpermit confined spaces:

((-) (a) The confined space does not contain an actual or potential hazardous atmosphere.

((-) (b) 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.

((-) (c) If you must enter to remove hazards, the space must be treated as a permit-required confined space until hazards have been eliminated.

- Note:**
- ((*) 1. Controlling atmospheric hazards through forced air ventilation does not eliminate the hazards.
 - ((*) 2. You should evaluate the use of lockout-tagout, as covered in chapter 296-803 WAC, to determine if using it fully eliminates the hazard.
 - ((*) 3. You are allowed to use alternate entry procedures covered in WAC 296-809-600, if you can demonstrate that forced air ventilation alone will control all hazards in the space.

~~((You must:~~

•)) (2) You must document how you determined the confined space contained no permit-required confined space hazards. Certify this documentation with the following:

((-) (a) Date.

((-) (b) Location of the space.

((-) (c) Signature of the person making the determination.

((*) (3) You must 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.

AMENDATORY SECTION (Amending WSR 04-03-081, filed 1/20/04, effective 5/1/04)

WAC 296-809-70004 Reevaluate nonpermit confined spaces if hazards develop. (~~You must:~~

•)) (1) ~~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.

((*) (2) ~~You must~~ 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-809-800 Definitions.

NEW SECTION

WAC 296-828-099 Definitions. Action level. An airborne concentration of a hazardous substance that is calculated as an 8-hour time-weighted average, and initiates certain requirements to be followed such as exposure monitoring or medical surveillance.

Carcinogens. See "Select carcinogen."

Chemical hygiene officer. An employee designated by the employer who is qualified by training or experience to provide technical guidance in the development and implementation of the chemical hygiene plan. This definition is not intended to place limitations on the designated employee's position description or job classification within the employer's organization.

Chemical hygiene plan. A written program developed and implemented by the employer that establishes procedures, equipment, personal protective equipment, and work practices to protect employees from the health hazards of the chemicals used in the laboratory.

Container. Any container, except for pipes or piping systems that contains a hazardous substance. For example, it can be any of the following:

- (a) Barrel.
- (b) Bottle.
- (c) Can.
- (d) Cylinder.
- (e) Drum.
- (f) Reaction vessel.
- (g) Storage tank.

Day. Any part of a calendar day.

Designated representative. Any one of the following:

(a) Any individual or organization to which an employee gives written authorization.

(b) A recognized or certified collective bargaining agent without regard to written employee authorization.

(c) The legal representative of a deceased or legally incapacitated employee.

Emergency. Any event that could or does result in the unexpected, significant release of a hazardous substance.

Examples of emergencies include equipment failure, container rupture, or control equipment failure.

Exposure. The contact an employee has with a hazardous substance, 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.

Hazardous chemical. Any chemical which is classified as health hazard or simple asphyxiate in accordance with the Hazard Communication Standard, WAC 296-901-140.

Health hazard. A chemical that is classified as posing one of the following hazardous effects: Explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid, or gas); self-reactive; pyrophoric (gas, liquid, or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; in contact with water emits flammable gas; or combustible dust. The criteria for determining whether a chemical is classified as a physical hazard are in Appendix B of the Hazard Communication Standard, WAC 296-901-14024 and 296-901-14006 (definitions of "combustible dust" and "pyrophoric gas").

Laboratory. A facility where the "laboratory use of hazardous substances" takes place. A workplace where relatively small amounts of hazardous substances are used on a nonproduction basis.

Laboratory-type hood. A device located in a laboratory, enclosure on five sides with a moveable sash or fixed partially enclosed on the remaining side; constructed and maintained to draw air from the laboratory and to prevent or minimize the escape of air contaminants into the laboratory; and allows chemical manipulations to be conducted in the enclosure without insertion of any portion of the employee's body other than hands and arms.

Note: Walk-in hoods with adjustable sashes meet the above definition provided that the sashes are adjusted during use so that the airflow and the exhaust of air contaminants are not compromised and employees do not work inside the enclosure during the release of airborne hazardous substances.

Laboratory scale. Work with substances in which the containers used for reactions, transfers, and other handling of the substances are designed to be easily and safely manipulated by one person. "Laboratory scale" **does not** include workplaces producing commercial quantities of materials.

Laboratory use. The handling or use of hazardous substances that includes **all** the following:

(a) Chemical manipulations conducted on a "laboratory scale";

(b) Multiple chemical procedures or chemicals are used;

(c) The procedures are not part of a production process, nor in any way simulate a production process; and

(d) "Protective laboratory practices and equipment" are available and are commonly used to minimize the potential for employee exposures to hazardous substances.

Licensed health care professional (LHCP). An individual whose legally permitted scope of practice allows him or her to provide some or all of the health care services required for medical evaluations.

Mutagen. Chemicals that cause permanent changes in the amount or structure of the genetic material in a cell. Chemicals classified as mutagens in accordance with the

Hazard Communication Standard, WAC 296-901-140 must be considered mutagens for purposes of this section.

Permissible exposure limits (PELs). PELs are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are also specified in WISHA rules found in other chapters.

Physical hazard. A chemical that is classified as posing one of the following hazardous effects: Explosive; flammable (gases, aerosols, liquids, or solids); oxidizer (liquid, solid, or gas); self-reactive; pyrophoric (gas, liquid, or solid); self-heating; organic peroxide; corrosive to metal; gas under pressure; in contact with water emits flammable gas; or combustible dust. The criteria for determining whether a chemical is classified as a physical hazard are in Appendix B of the Hazard Communication Standard, WAC 296-901-14024 and 296-901-14006 (definitions of "combustible dust" and "pyrophoric gas").

Protective laboratory practices and equipment. Laboratory procedures, practices, and equipment accepted by laboratory health and safety experts as effective, that can be shown to be effective, in minimizing the potential for employee exposure to hazardous substances.

Reproductive toxin. Chemicals that affect the reproductive capabilities including adverse effects on sexual function and fertility in adult males and females, as well as adverse effects on the development of the offspring. Chemicals classified as reproductive toxins in accordance with the Hazard Communication Standard, WAC 296-901-140 shall be considered reproductive toxins for purposes of this section.

Safety data sheet (SDS). Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous substance, its hazards, and protective measures as required by safety data sheet and label preparation, WAC 296-901-14012 and 296-901-14014.

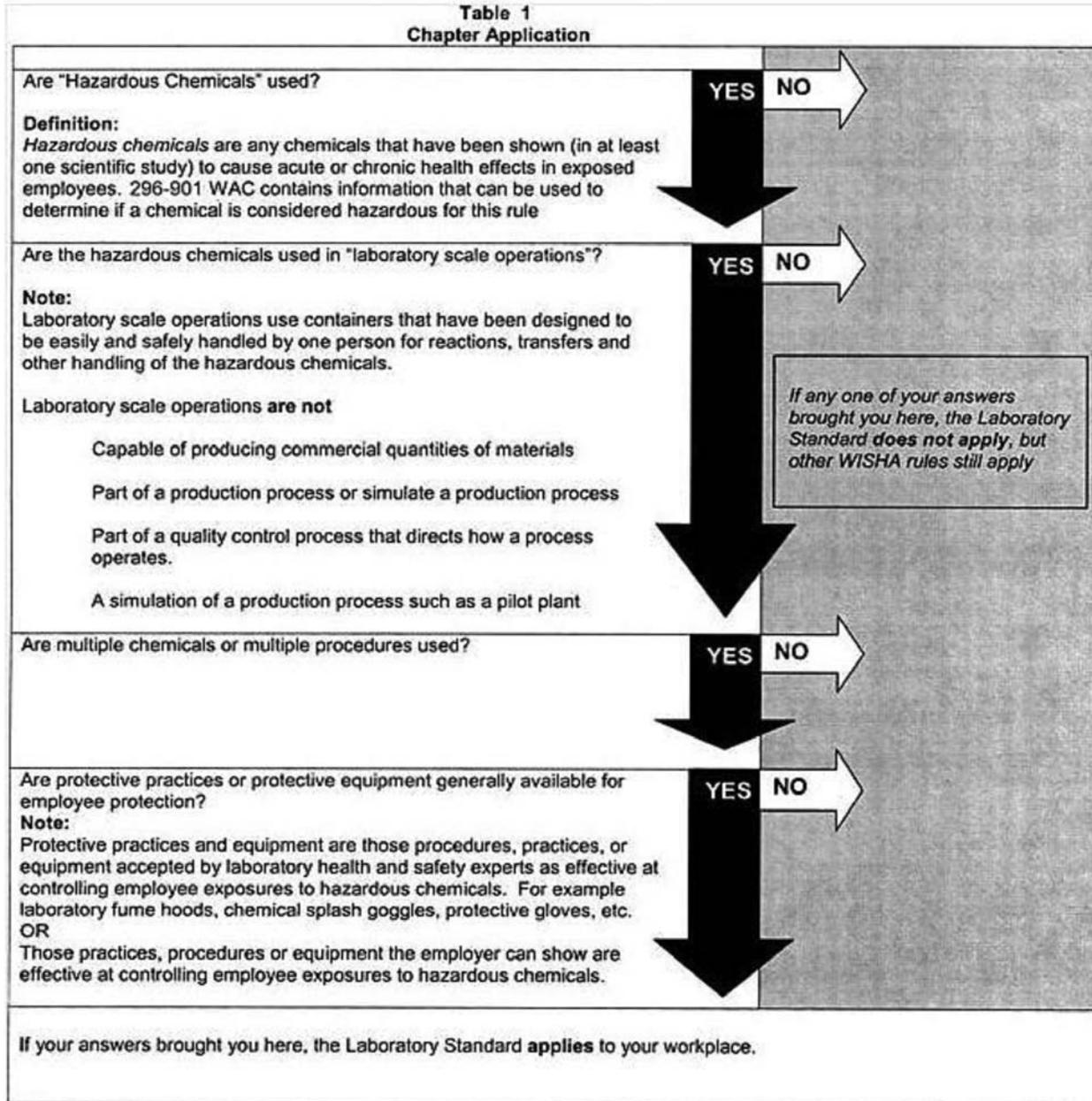
Select carcinogen. Any substance meeting one of the following criteria:

- (a) Regulated by WISHA as a carcinogen.
- (b) Listed in the "known to be carcinogens" category in the latest edition of the *Annual Report on Carcinogens* by the National Toxicity Program (NTP).
- (c) Listed in Group I (carcinogenic to humans) in the latest editions of the International Agency for Research on Cancer (IARC) Monographs.
- (d) Listed in either group 2A or 2B by IARC **or** in the category "reasonably anticipated to be carcinogens" by the NTP, and causes statistically significant tumor incidence in experimental animals in accordance with any of the following criteria:
 - (i) After an inhalation exposure of six to seven hours a day; five days a week; for a significant portion of a lifetime to dosages of less than 10 mg/m³; **or**
 - (ii) After repeated skin application of less than 300 mg/kg of body weight per week; **or**
 - (iii) After oral dosages of less than 50 mg/kg of body weight per day.

Time-weighted average (TWA₈). An exposure limit averaged over an 8-hour period that must not be exceeded during an employee's workday.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-828-100 Scope. This chapter applies to the laboratory use of hazardous chemicals. To determine if this chapter applies to your workplace, use Table 1.



~~((IMPORTANT:))~~
•)) **Important:**

1. When your laboratory operation is covered by this chapter, and you use any of the substances in Table 2, the following applies with the exception of formaldehyde use in histology, pathology, and anatomy laboratories. In histology, pathology, and anatomy laboratories you must follow the requirements in chapter 296-856 WAC, Formaldehyde. This chapter applies to all other formaldehyde laboratory uses as defined in Table 1:

((-)) a. The exposure limits and any requirement protecting employees from skin and eye contact in the rules listed in Table 2 will still apply.

((-)) b. Where the action level (or where no action level exists, the permissible exposure limit) is exceeded for a substance listed in Table 2, the exposure evaluation and medical surveillance requirements in the substance rule will still apply.

((-)) c. You are not required to meet other requirements of the substance rule.

((*) 2. To get the permissible exposure limits (PELs) for hazardous chemicals used in your laboratory, see chapter 296-841 WAC, Airborne contaminants.

Table 2
WISHA Regulated Hazardous Chemicals

Acrylonitrile
Arsenic (inorganic)
Asbestos
Benzene
Butadiene
Cadmium
Coke ovens
Cotton dust
1, 2-Dibromo-3-chloropropane
Ethylene oxide
Formaldehyde
Lead
Methylene chloride
Methylenedianiline
Vinyl chloride
Ionizing radiation
4-Nitrobiphenyl
Alpha-Naphthylamine
4,4' Methylene bis (2 - chloroaniline)
Methyl chloromethyl ether
3,3'-Dichlorobenzidine (and its salts)
<u>Acrylonitrile</u>
Bis-Chloromethyl ether
Beta-Naphthylamine benzidine
4-Aminodiphenyl
Ethyleneimine
Beta-Propiolactone
2-Acetylaminofluorene
4-Dimethylaminoazobenzene
N-Nitrosodimethylamine

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-828-200 Using hazardous chemicals in laboratories.

Summary

Your responsibility:

To protect employees from laboratory use of hazardous chemicals.

~~((WAC 296-828-20005~~

~~Chemical hygiene plan.~~

~~WAC 296-828-20010~~

~~Exposure evaluation.~~

~~WAC 296-828-20015~~

~~Training.~~

~~WAC 296-828-20020~~

~~Labeling and safety data sheets (SDSs).~~

~~WAC 296-828-20025~~

~~Chemicals produced in laboratories.~~

~~WAC 296-828-20030~~

~~Medical evaluations.))~~

You must meet the requirements ...	in this section:
<u>Chemical hygiene plan</u>	<u>WAC 296-828-20005</u>
<u>Exposure evaluation</u>	<u>WAC 296-828-20010</u>
<u>Training</u>	<u>WAC 296-828-20015</u>
<u>Labeling and safety data sheets (SDSs)</u>	<u>WAC 296-828-20020</u>
<u>Chemicals produced in laboratories</u>	<u>WAC 296-828-20025</u>
<u>Medical evaluations</u>	<u>WAC 296-828-20030</u>

AMENDATORY SECTION (Amending WSR 07-05-062, filed 2/20/07, effective 4/1/07)

WAC 296-828-20005 Chemical hygiene plan. (~~You must:~~

***) (1) You must** develop and carry out a written chemical hygiene plan (CHP) that will protect your employees from hazardous substances in the laboratory and keep exposure levels below those listed in chapter 296-841 WAC, Airborne contaminants.

((*) (2) You must make sure the written plan is readily available to employees and their representatives.

((*) (3) You must include the following elements in your written CHP:

((-) (a) The names or job titles of the chemical hygiene officer, other personnel responsible for implementing the CHP, or when appropriate, the members of a chemical hygiene committee.

((-) (b) Standard operating procedures that provide employee protection when working with hazardous substances.

((-) (c) Criteria for how you will select and use control measures to reduce employee exposures to hazardous chemicals, especially chemicals known to be extremely hazardous.

((-) (d) Additional employee protection for select carcinogens, reproductive toxins, and chemicals with high degree of acute toxicity. The following will be considered, when appropriate:

((#) (i) The establishment of exposure control areas.

((#) (ii) Containment devices, such as fume hoods or glove boxes.

((#) (iii) The safe removal of contaminated waste.

((#) (iv) Procedures for decontamination.

((-) (e) Specific measures to make sure fume hoods and other protective equipment provide proper and adequate performance and are properly functioning.

((-) (f) The circumstances when specific laboratory operation, activity, or procedure requires prior approval from

the employer or their designated representative before implementation.

((-)) (g) A description of how you are going to train and inform your employees about laboratory use of hazardous chemicals.

((-)) (h) A description of your provisions for medical consultations and medical examinations.

((*) (4) You must review and evaluate the effectiveness of your written CHP at least annually and update as necessary.

Reference: This publication can provide you with additional information to help you with your written chemical hygiene plan:
National Research Council, Prudent Practices for Disposal of Chemicals from Laboratories, National Academy Press, Washington, D.C., 1995.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-828-20010 Exposure evaluation.

~~((IMPORTANT*))~~ **Important:**

For any of the specific substances listed in Table 2 of the scope of this chapter, you need to follow the exposure evaluation procedures found in the chapters regulating those substances if employee exposure routinely exceeds the AL or PEL. For all other employee exposures follow this section to determine exposure evaluation procedures.

~~((You must:~~

*) (1) You must determine if you could have a respiratory hazard as described in chapter 296-841 WAC, Respiratory hazards.

Reference: For additional requirements relating to respiratory hazards, see:
((-)) 1. Chapter 296-841 WAC, Respiratory hazards.
((-)) 2. Chapter 296-842 WAC, Respirators.
((-)) 3. The specific rule for your chemical.

~~((You must:~~

*) (2) You must provide written notification of exposure monitoring results to employees represented by your exposure evaluation, within five business days after the results become known to you.

Note: ((*) 1. You can notify employees either individually or by posting the notification in areas readily accessible to all affected employees.
((*) 2. Posted notifications may need information that allows affected employees to determine which monitoring results apply to them.
((*) 3. Notification may be:
((-)) a. In any written form, such as hand-written or e-mail.
((-)) b. Limited to the required information, such as exposure monitoring results.

Reference: ((*) For additional requirements relating to employee exposure records, go to chapter 296-802 WAC, Employee medical and exposure records.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-828-20015 Training. ~~((You must:~~

*) (1) You must inform employees about the presence of hazardous chemicals at the following times:

((-) (a) At the time of initial assignment to a work area where hazardous chemicals are present.

((-) (b) Prior to situations involving a new exposure to hazardous chemicals.

((*) (2) You must train employees on all of the following:

((-) (a) Methods and observations for detecting the presence or release of hazardous substances. Examples of these methods and observations may include:

((*) (i) Monitoring conducted by you.

((*) (ii) Continuous monitoring devices.

((*) (iii) Visual appearance or odor of hazardous chemicals when being released.

((-) (b) The physical and health hazards of chemicals in the work area.

((-) (c) The procedures and measures employees can use to protect themselves from hazardous substances. Examples of these include:

((*) (i) Appropriate work practices.

((*) (ii) Emergency procedures.

((*) (iii) Personal protective equipment.

((*) (3) You must provide refresher training to fit your needs.

((*) (4) You must provide information to employees on all of the following:

((-) (a) The contents of this chapter and where to find a copy.

((-) (b) Permissible exposure limits found in chapter 296-841 WAC, Respiratory hazards.

((-) (c) Any recommended exposure levels for compounds without an exposure limit in the WISHA rules. Examples include:

((*) (i) The PELs found in the National Institute for Occupational Safety and Health (NIOSH) NIOSH Pocket Guide to Chemical Hazards 2004; or

((*) (ii) The American Conference of Governmental Industrial Hygienists (ACGIH®) Documentation of the Threshold Limit Values (TLVs) and Biological Exposure Indices (BEIs), 7th Ed.

((-) (d) Signs and symptoms associated with exposures to hazardous chemicals used in the laboratory.

((-) (e) Where to find a copy of:

((*) (i) Your chemical hygiene plan.

((*) (ii) Safety data sheets (SDSs), including those received from the chemical suppliers.

((*) (iii) Reference material on the hazards, safe handling, storage, and disposal of hazardous chemicals found in the laboratory.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-828-20020 Labeling and safety data sheets (SDSs). ~~((You must:~~

*) (1) You must make sure labels on incoming containers are not removed or defaced.

((*) (2) You must keep and make available to employees any SDS received with an incoming container of hazardous chemicals.

AMENDATORY SECTION (Amending WSR 14-07-086, filed 3/18/14, effective 5/1/14)

WAC 296-828-20025 Chemicals produced in laboratories. (~~You must:~~) You must follow Table 3 for chemical substances produced in your laboratory.

**Table 3
Lab Produced Chemical Substance Requirements**

If	Then
The chemical is a hazardous chemical	Follow all appropriate requirements of this chapter
A chemical by-product is produced and its composition is unknown	Assume it is a hazardous chemical ((AND)); <u>and</u> Follow your chemical hygiene plan to protect employees
You produce chemicals in your laboratory for users outside the laboratory	Follow WAC 296-901-14014, Safety data sheets and WAC 296-901-14012, Labels and other forms of warning

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-828-20030 Medical evaluations.

~~(IMPORTANT:)~~ **Important:**

For any of the specific substances listed in Table 2 of the scope of this chapter, you need to follow the medical evaluation procedures found in the chapters regulating those substances if employee exposure routinely exceeds the AL or PEL. For all other employee exposures follow this section to determine medical evaluation procedures.

~~(You must:)~~

(1) You must make medical evaluations available when:

((*) (a) An employee develops signs or symptoms associated with a hazardous substance from laboratory exposure.

((*) (b) Any emergency situation that could cause a hazardous exposure, such as a spill, leak, or explosion, occurs.

((*) (c) A medical provider recommends a follow-up evaluation.

((*) (d) Exposure monitoring for any of the substances found in Table 2 reveals exposures routinely over the action level (AL) or in the absence of an AL the permissible exposure level (PEL).

(2) You must make sure medical evaluations are provided at reasonable times and places, and at no cost to employees.

Note: This includes travel costs and wages associated with any time spent obtaining the medical evaluation.

~~(You must:~~

*) (3) You must provide the LHCP the following information before the medical evaluation is performed:

((-) (a) The name of the hazardous chemicals the employee may have been exposed to.

((-) (b) Any signs or symptoms of exposure the employee has.

((-) (c) A description of the conditions under which the exposure occurred.

((-) (d) The exposure monitoring results for the conditions, if available.

((*) (4) You must obtain the LHCP's written opinion for each medical evaluation that includes the following:

((-) (a) Recommendations for medical follow-up.

((-) (b) Any medical conditions found that would increase the employee's risk for impairment from exposure to a hazardous chemical.

((-) (c) A statement that the employee has been informed of exposure-related medical results and conditions that require further examination or treatment.

((-) (d) A written opinion that does not contain any medical information unrelated to the employee's occupational exposures. ((*) If the written opinion contains any medical information unrelated to occupational exposures, return it to the LHCP and obtain a revised version without the additional medical information.

Reference: ((*) For additional requirements relating to employee medical records, go to chapter 296-802 WAC, Employee medical and exposure records.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-828-300 Definitions.

NEW SECTION

WAC 296-860-099 Definitions. The following definitions apply to this chapter:

Car width. Twice the distance from the centerline of a railroad car to its extreme outside part.

Common carrier. All railroads, railroad companies, street railroads, street railroad companies, corporations, partnerships, persons, cities or towns that own, operate, manage, or control any public use enterprise within Washington state that transports people or property for hire.

Department. The Washington state department of labor and industries.

Emergency. Any unforeseen occurrence that endangers life, limb, or property.

Icing platforms. Structures used to ice, precool, heat, ventilate or service private railroad cars that handle commodities requiring these services.

Over-crossing. Any point or place where a highway, road, or ramp carrying vehicular traffic crosses a private rail yard or track by passing above it.

Overhead clearance. The perpendicular distance between the top of the highest rail and the lowest point of an overhead structure or obstruction.

Private rail operation. A nonrailroad company operating railroad facilities, structures, tracks and equipment in the company's yard or plant. Chapter 296-860 WAC applies to:

(a) Any equipment, facility or structure owned or operated by the company; and

(b) The construction and reconstruction of tracks or structures adjacent to any facility or structure owned or operated by the company.

Railroad. Every public use railroad, other than street railroads, operated to transport people or property for hire. This definition also includes all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, and terminal facilities of every kind that are used, operated, controlled, or owned by or in connection with any such public use railroad.

Side clearance. The shortest distance between the centerline of a track and a structure or other track side obstructions such as downspouts, ladders, equipment, piles of material or inventory, etc.

Track clearance. The shortest distance between the centerlines of adjacent railroad tracks.

Walkways. Pathways located alongside or in the vicinity of a railroad track, or on a trestle or bridge, providing space so a private railroad employee can perform duties associated with the track, trestle, or bridge.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-860-100 Scope.

~~((IMPORTANT))~~ **Important:**

This chapter applies to all railroad clearances and walkways in rail yards and plants including logging railroad yards such as mill yards, maintenance yards and sorting yards. If you are uncertain about which WISHA requirements to follow, you must comply with those that best protect employees' safety and health. Contact your local L&I office if you need assistance in making this decision.

~~((Exemptions))~~ **EXEMPTIONS:**

((*) These exemptions apply to chapter 296-860 WAC, Railroad clearances and walkways in private rail yards and plants, and do not require a department variance:

((-) 1. You may move the following equipment, using less than the minimum standard clearances, if the situation is unavoidable and you have taken all reasonable steps to protect your employees:

((■)) a. Track construction or maintenance materials.

((■)) b. Special work equipment used for railroad construction, maintenance or operations.

((■)) c. Any railroad equipment during emergencies.

((-) 2. You may have overhead or side clearances less than the minimum standard clearances required in this chapter if they were legally created before April 3, 1961.

((Note: If a building, structure, or facility constructed before April 3, 1961, is relocated or reconstructed, the clearance requirements in this chapter apply unless the department grants a variance.))

((-) 3. Tracks built before April 3, 1961:

((■)) a. May be extended according to the legal track clearance requirements in effect when they were originally constructed.

((■)) b. Are exempt from the track clearance requirements in WAC 296-860-20060, Table 5.

((-) 4. Chapter 296-54 WAC, Safety standards—Logging operations, regulates all logging railroads or any rail operations related to logging, except for yard clearances.

Note: If a building, structure, or facility constructed before April 3, 1961, is relocated or reconstructed, the clearance requirements in this chapter apply unless the department grants a variance.

Other rules that may apply to your workplace:

(1) The ~~((WISHA))~~ DOSH Safety & Health Core Rules book, chapter 296-800 WAC, contains the basic requirements that apply to employers in Washington. It also contains:

((*) (a) An introduction that lists important information you should know, including a section on building, fire and electrical codes.

((*) (b) A resource section that includes a complete list of all ~~((WISHA))~~ DOSH rules.

(2) Other ~~((WISHA))~~ DOSH rules may apply to you, depending upon the activities and operations of your workplace. Contact your local L&I office if you are uncertain about which ~~((WISHA))~~ DOSH requirements pertain to you.

((*) (3) To access the Safety & Health Core Rules book online: (~~((http://www.lni.wa.gov/wisha/corerules/default.htm))~~ http://www.lni.wa.gov/safety/rules/chapter/800/default.asp)

((*) (4) For a CD or paper copy contact us:

Labor and Industries

P.O. Box 44620

Olympia, WA 98504-4620

Telephone: 1-800-4be-safe (1-800-423-7233)

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

WAC 296-860-200 Maintain safe clearances and walkways.

~~((SUMMARY))~~ **Summary**

Your responsibility:

To prevent injuries and fatalities to employees by maintaining safe railroad clearances and walkways in your rail yards and plants.

~~((You must:))~~

~~Post warning signs and train employees about clearances approved before April 3, 1961~~

~~WAC 296-860-20010~~

~~Construct and maintain rail yard walkways for employee safety~~

~~WAC 296-860-20020~~

~~Install radiation detectors according to manufacturer's specifications~~

~~WAC 296-860-20030~~

~~Maintain overhead clearances~~

~~WAC 296-860-20040~~

~~Maintain side clearances~~

~~WAC 296-860-20050~~

~~Maintain clearances between tracks~~

~~WAC 296-860-20060~~

~~Move excessive height and/or width rail car loads with care~~

~~WAC 296-860-20070~~

~~Conduct narrow gauge rail operations according to the requirements of this section~~

~~WAC 296-860-20080.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Post warning signs and train employees about clearances approved before April 3, 1961</u>	<u>WAC 296-860-20010</u>
<u>Construct and maintain rail yard walkways for employee safety</u>	<u>WAC 296-860-20020</u>
<u>Install radiation detectors according to manufacturer's specifications</u>	<u>WAC 296-860-20030</u>
<u>Maintain overhead clearances</u>	<u>WAC 296-860-20040</u>
<u>Maintain side clearances</u>	<u>WAC 296-860-20050</u>
<u>Maintain clearances between tracks</u>	<u>WAC 296-860-20060</u>
<u>Move excessive height or width rail car loads with care</u>	<u>WAC 296-860-20070</u>
<u>Follow these requirements to conduct narrow gauge rail operations</u>	<u>WAC 296-860-20080</u>

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

WAC 296-860-20010 Post warning signs and train employees about clearances approved before April 3, 1961. ~~((You must:))~~ (1) You must post warning signs near tracks with clearances approved before April 3, 1961, so employees are aware of the minimal clearances and their potential hazards. The signs must:

- ((-)) (a) Be highly visible,
- ((-)) (b) Be easy to read,
- ((-)) (c) Alert employees to the danger of railway equipment operating on your yard and plant tracks.

(2) You must include in your employee safety and health training information about:

- ((-)) (a) Any minimal clearances and their location,
- ((-)) (b) Potential hazards associated with them,
- ((-)) (c) The location of any clearance warning signs.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-860-20020 Construct and maintain rail yard walkways for employee safety.

Important:

((*) You have two years from October 01, 2002, (the effective date of this rule), to comply with the construction requirements of this section, unless the department determines during an inspection that your walkways create a serious safety hazard. ((*) If you are not sure a serious safety hazard exists in your workplace, you can request a free consultation from the department by calling your local L&I office.

Construction of walkways

~~((You must:~~

*) (1) You must build walkways in rail yard areas where employees regularly work on the ground.

((*) (2) You must construct rail yard walkways that can be maintained in a safe condition:

- ((-)) (a) With reasonably smooth walking surfaces,
- ((-)) (b) That will not interfere with track drainage.

((*) (3) You must use any of the following materials when constructing your walkway:

((-)) (a) Crushed material that does not exceed 1 1/2 inches in size. For this rule, "1 1/2 inches in size" means one of the following (percentages refer to weight measurement and sieve size standard in the industry):

Percentage of material passing through a sieve opening	Sieve opening size
100	1 1/2 inch square
90 - 100	1 inch square
40 - 80	3/4 inch square
15 - 60	1/2 inch square
0 - 30	3/8 inch square
0 - 10	#4
0 - 5	#8
0 - 0.5	#200

((b) Smaller crushed material is preferred and should be used where drainage and durability is not an issue. Crushed material that is 3/4 inch or less in size is recommended for switching leads in yards.

((*) (c) Asphalt, concrete, planking, grating, or other similar material.

((*) (d) Natural materials such as gravel or dirt.

~~((You must:~~

*) (4) You must construct walkways wide enough for employees to safely perform their duties,

((*) (5) You must construct walkways with a grade or slope in any direction with not more than one inch of elevation for each eight inches of horizontal length, unless it is geographically impractical.

Maintenance of walkways

~~((You must:~~

*) (6) You must keep all walkways clear of vegetation, debris, mud, or other obstructions that create a potential hazard for employees.

((*) (7) You must remove all standing water from all walkways as soon as reasonably possible.

((*) (8) You must reopen walkways temporarily closed for a construction project within thirty days after the project is completed.

~~((You must:~~

*) (9) You must repair walkways that have been damaged and temporarily closed because of an emergency within thirty days after the emergency ends.

~~((Definition:~~

~~Emergency: Any unforeseen occurrence endangering life, limb, or property.~~

•) (10) You must obtain a department variance before permanently removing any bridge or trestle walkway from use after October 1, 2002 (the effective date of this rule).

Note: The requirements for filing a variance are located in the safety and health core rules and chapter 296-900 WAC, Administrative rules.

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

WAC 296-860-20030 Install radiation detectors according to manufacturer's specifications.

~~((IMPORTANT:))~~ **Important:**

This section applies only to those private yards and plants where the installation of radiation detectors beside railroad tracks is required due to the nature of the business; for example, scrap metal yards.

~~((You must:))~~

•) (1) You must install radiation detectors beside the railroad tracks in your yard and/or plant according to the manufacturer's specifications.

(*) (2) You must post signs on each radiation detector installed less than eight feet six inches from the centerline of the track:

(-) (a) Warning employees that the side clearances between the detector and the track centerline are less than the required standard minimum side clearances found in this chapter.

(-) (b) Prohibiting employees from riding on the side of any rail car passing through the detector.

AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-860-20040 Maintain overhead clearances.

~~((Exemption:))~~ **EXEMPTION:**

Engine houses and car shops are exempt from the overhead clearance requirements of this section.

~~((You must:))~~

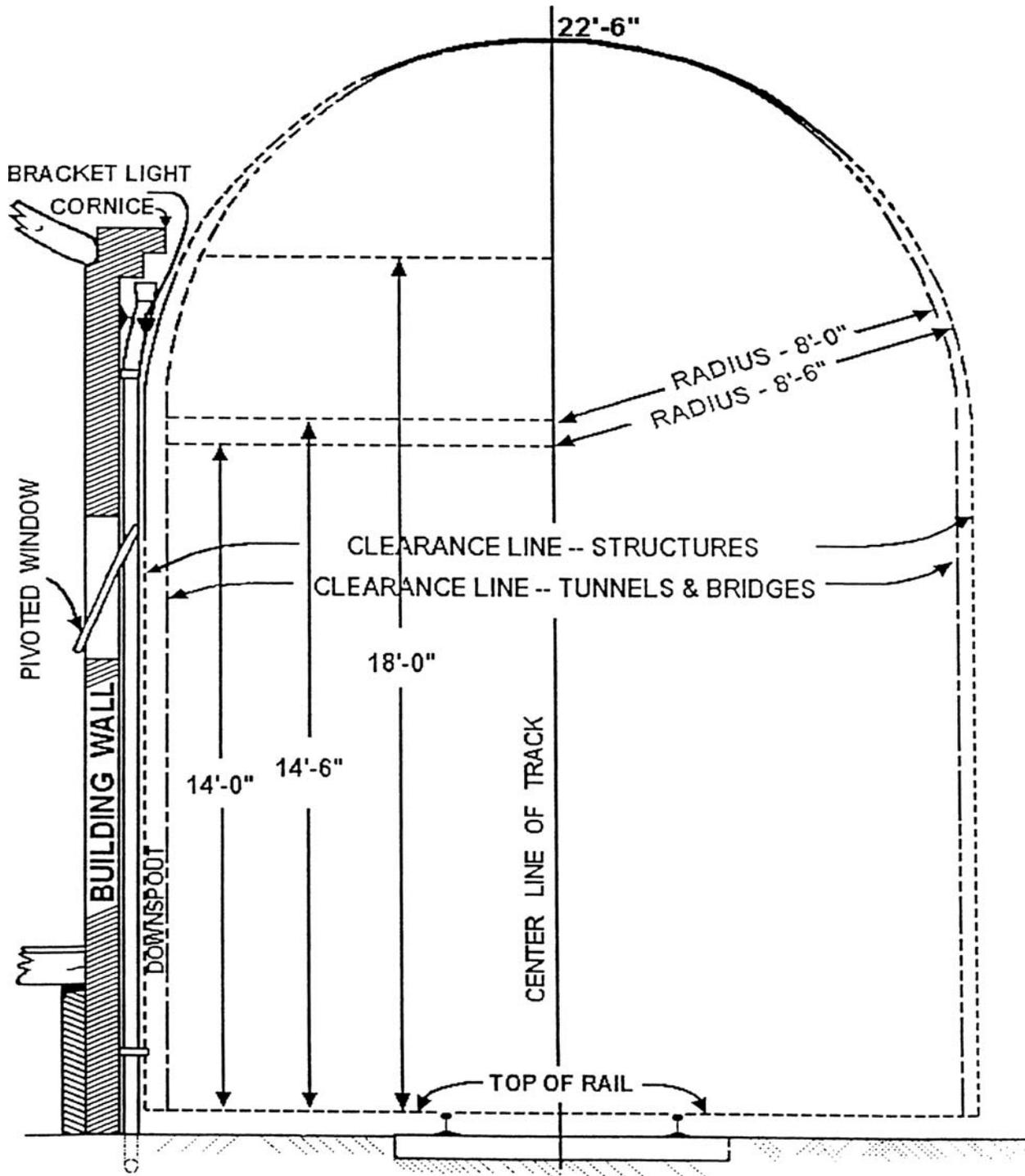
•) You must make sure overhead railroad clearances are at least twenty-two feet six inches unless a clearance requirement found in Table 1 applies.

Note: (*) 1. Clearance requirements are based on the assumption that generally used rail equipment in private yards and plants is no more than ten feet ten inches wide by fifteen feet six inches high.
 (*) 2. WAC 296-860-20070 regulates the use of any rail equipment that exceeds the above dimensions.
 (*) 3. Minimum vertical clearances for all overhead wires are specified in Parts 1, 2, and 3 of the National Electrical Safety Code (NESC) as referenced in WAC 296-45-045, electrical workers safety rules, NESC applicable. See NESC 231 and 232.

Table 1 - Minimum Overhead Clearances for Buildings, Structures, Tunnels, and Bridges

If your overhead clearance involves:	Then the minimum overhead clearance requirements are:
An entirely enclosed building	18 feet when tracks end inside an entirely enclosed building. Also: <ul style="list-style-type: none"> The department must approve any reduction from 22 feet 6 inches before the reduction takes place. If an overhead clearance is less than 22 feet 6 inches, all cars, locomotives or other equipment must come to a full stop before entering the building. See Illustration 1.
All other structures	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> Radius is 8 feet 6 inches ((AND)); and Center is located on a line perpendicular to the track's centerline and 14 feet above the top of the highest rail. See Illustration 1.
Tunnels, over-crossings, and bridges	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> Radius is 8 feet ((AND)); and Center is located on a line perpendicular to the track's centerline and 14 feet 6 inches above the top of the highest rail. See Illustration 1.

Illustration 1 - Minimum Overhead Clearances for Buildings, Structures, Tunnels, and Bridges



AMENDATORY SECTION (Amending WSR 07-03-163, filed 1/24/07, effective 4/1/07)

WAC 296-860-20050 Maintain side clearances.

~~((You must:~~

•)) You must make sure side clearances are at least eight feet six inches from the track centerline unless clearance requirements found in Tables 2, 3, or 4 apply.

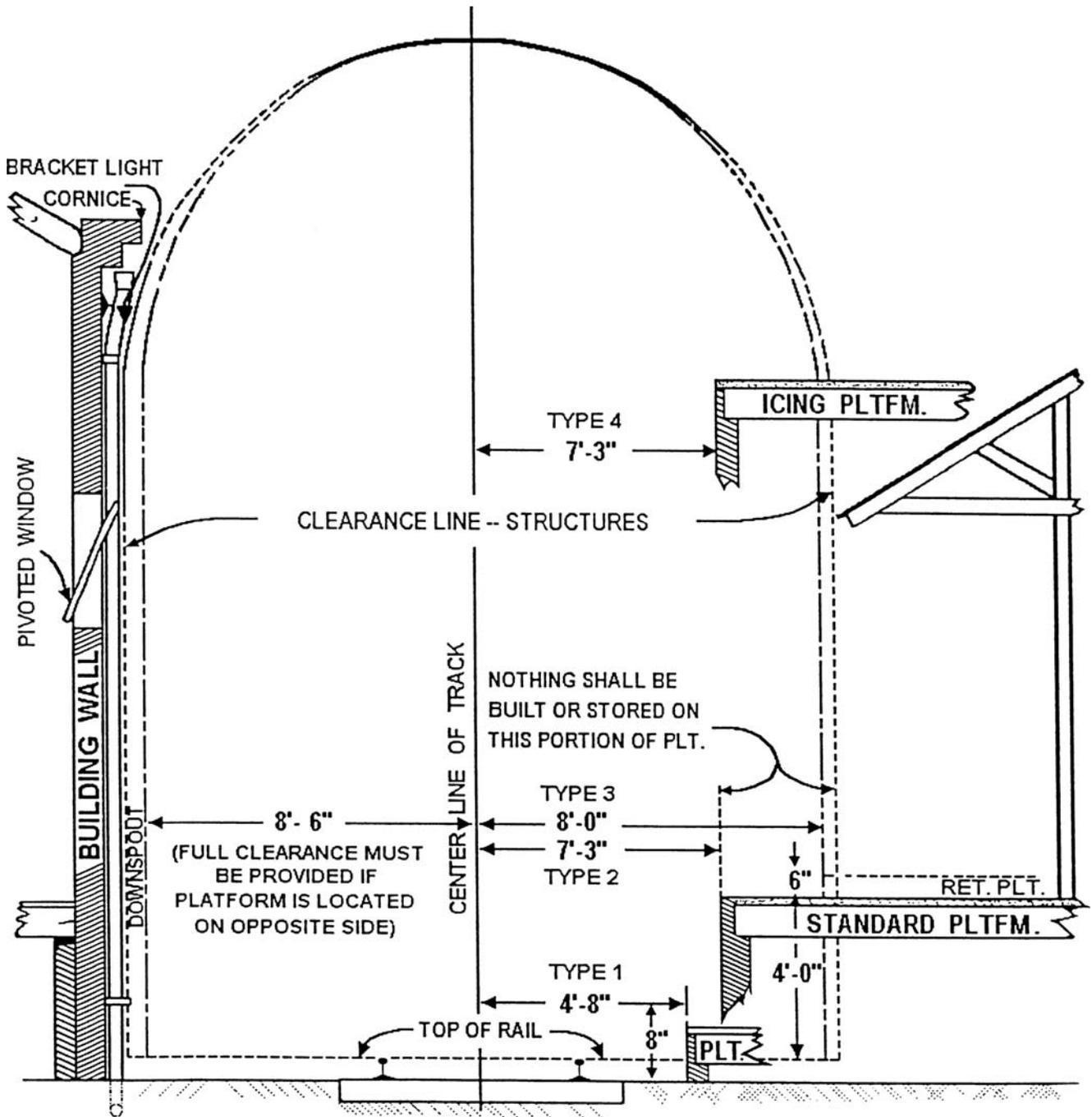
Note:

All side clearances in Tables 2, 3, and 4 that reference "the track centerline" are based on the assumption that private rail operations generally use track that is standard gauge width (4 feet 8 1/2 inches).

Table 2 - Minimum Side Clearance for Platforms

<p>If Your Platform Type is:</p>	<p>Then the Minimum Clearance Requirements Between the Track Centerline and a Platform Edge are:</p>
<p>Type 1 Platforms with heights of 8 inches or less above the top of the rail.</p>	<p>4 feet 8 inches See Illustration 2.</p>
<p>Type 2 Platforms with heights of 4 feet or less above the top of the rail.</p>	<p>7 feet 3 inches See Illustration 2.</p>
<p>Type 3 Platforms with heights of 4 feet 6 inches or less above the top of the rail and the platforms are used primarily for loading and/or unloading refrigerator cars.</p>	<p>8 feet See Illustration 2.</p>
<p>Type 4 Icing platforms and supports.</p>	<p>7 feet 3 inches See Illustration 2.</p>
<p>Type 5 Retractable platforms attached to permanent structures.</p>	<p>When not in use, use the clearance requirements for a platform of its height.</p>
<p>Type 6 Platforms that are a combination of Types 1 through 3. (Only Types 1 through 3 platforms can be combined.)</p>	<p>Platforms may be combined if the Type 1 platform has a level surface no more than 4 feet 8 inches from the track centerline to the face of the platform wall with which it is combined.</p>

Illustration 2 - Minimum Side Clearances for Platforms



~~((Table 3 - Minimum Side Clearances for Bridges, Tunnels and Related Structures))~~

~~((Exemption:))~~ ~~EXEMPTION:~~ ((*) Except for handrail and water barrel clearances, the clearance requirements in Table 3 do not apply to bridge decks where railroad employees couple or uncouple cars on a switching lead unless the department approves them.

Note: ((*) The requirements for filing a variance are located in the Safety and health core rules and chapter 296-900 WAC, Administrative rules.

Table 3 - Minimum Side Clearances for Bridges, Tunnels and Related Structures

If your side clearance requirement involves:	Then the minimum side clearance requirements between the track centerline and the bridge, tunnel or related structure are:
Bridge and tunnel sides - lower section	8 feet
Bridge and tunnel sides - upper section	Defined by the half-circumference of a circle whose: <ul style="list-style-type: none"> • Radius is 8 feet ((AND)); <u>and</u> • Center is located on a line perpendicular to the track's centerline and 14 feet 6 inches above the top of the highest rail. • See Illustration 3.
Related structures on bridges and in tunnels - lower section structures (or portions of them) that are no more than 4 feet above the top of the rail. For example: <ul style="list-style-type: none"> • Refuge platforms on bridges and trestles. • Water columns, oil columns, and block signals. 	Defined by lines extending: <ul style="list-style-type: none"> • 5 feet laterally from the track centerline to a point level with the top of the rail and then diagonally upward to another point 4 feet above the top of the rail ((AND)); <u>and</u> • 8 feet laterally from the track centerline to a point 4 feet above the top of the rail.

If your side clearance requirement involves:	Then the minimum side clearance requirements between the track centerline and the bridge, tunnel or related structure are:
<ul style="list-style-type: none"> • Cattle chutes. 	<ul style="list-style-type: none"> • See Illustration 3A. The shaded portion of the illustration designates the area that must be free of refuge platforms, water columns, oil columns, block signals and cattle chutes.
Hand rails and water barrels	7 feet 6 inches
Fences of cattle guards	6 feet 9 inches

Illustration 3 - Minimum Side Clearances for Bridges, Tunnels and Related structures

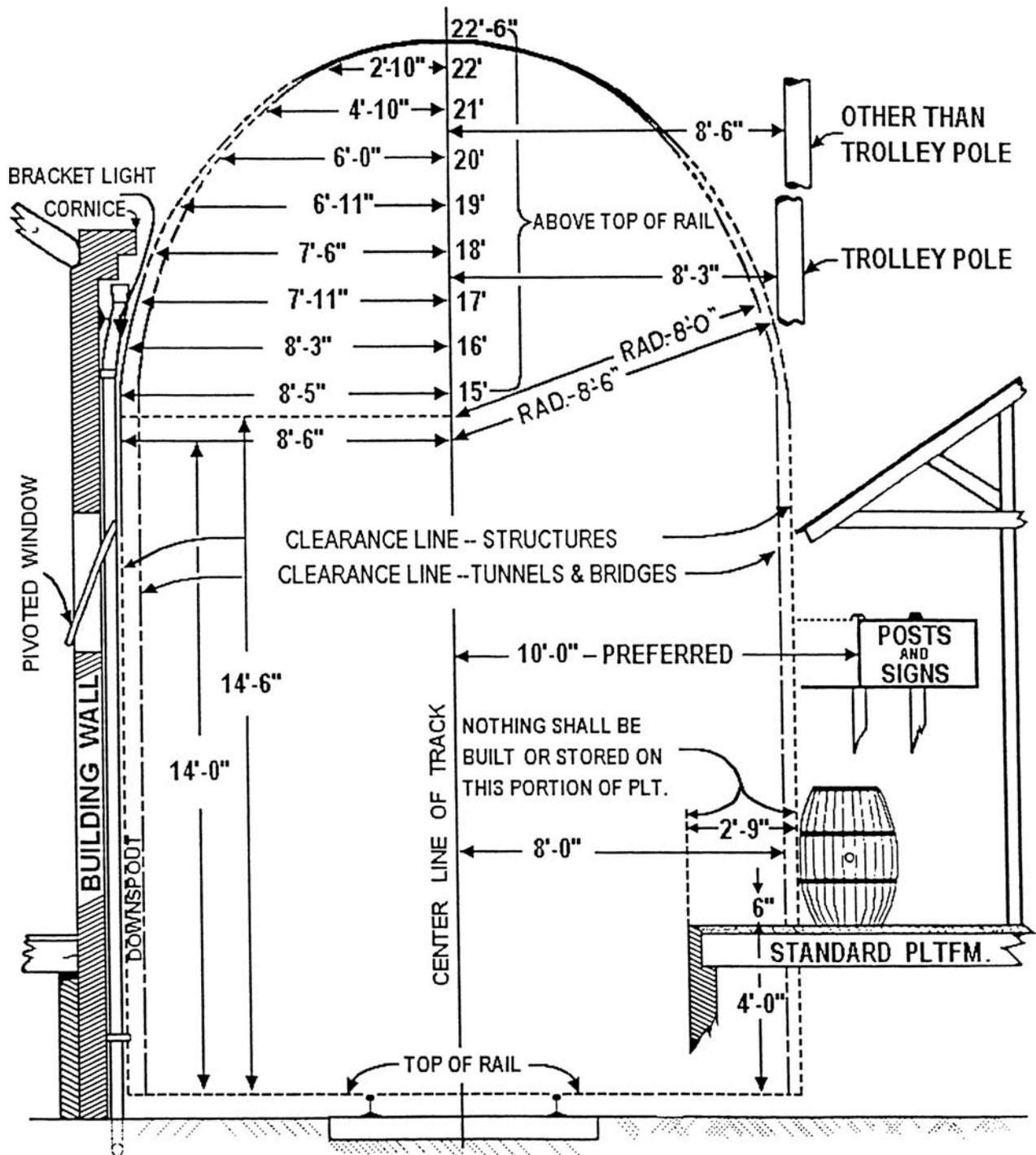
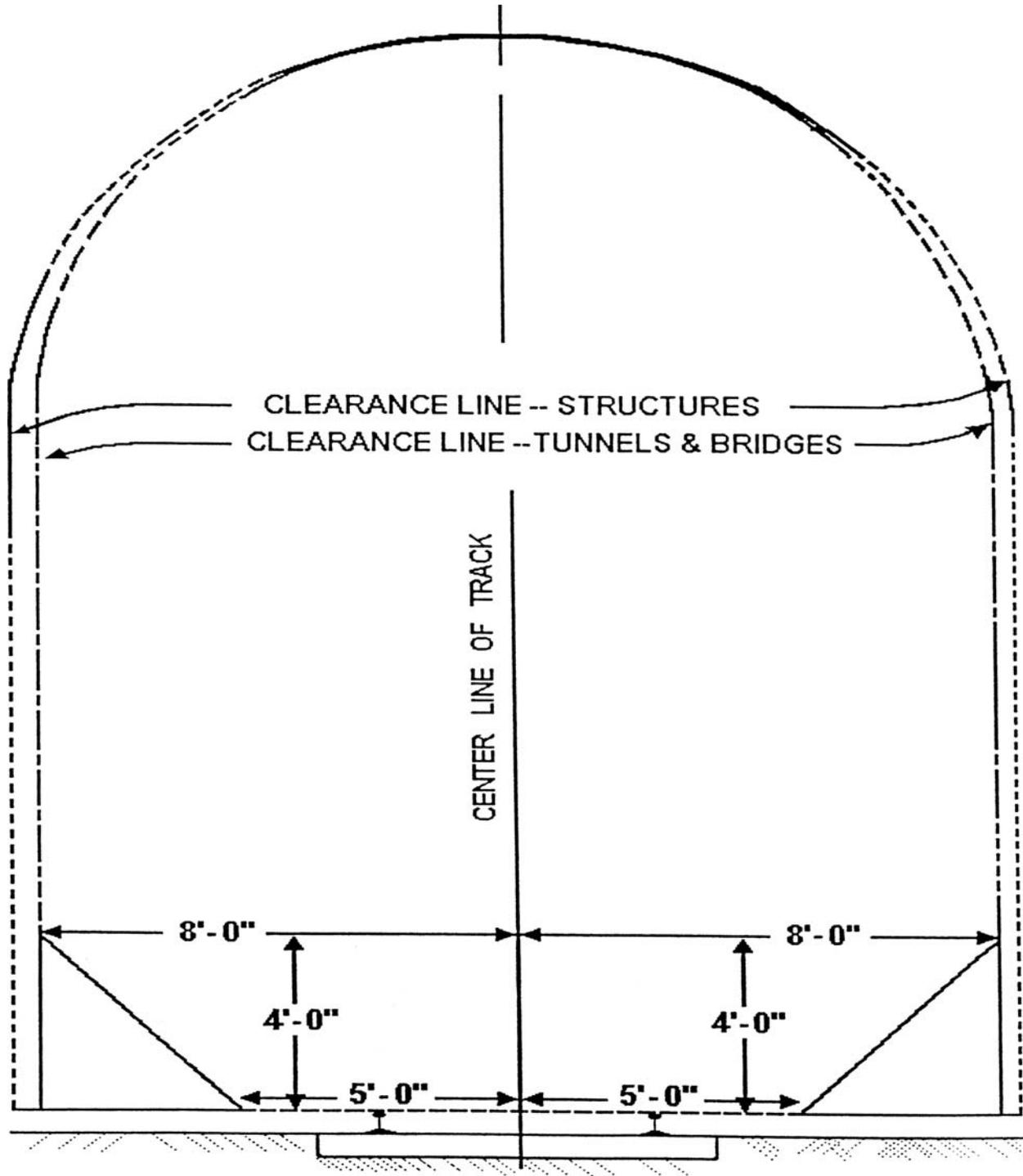


Illustration 3A - Minimum Side Clearance for Certain Structures in or on the Lower Sections of Bridges and Tunnels



~~((Table 4 - Other Minimum Side Clearance Requirements*))~~

Note: ((*) 1. The department must approve all minimum clearances for car pulling units and related structures.
 ((*) 2. The requirements for filing a variance are located in the Safety and health core rules and chapter 296-900 WAC, Administrative rules.

Table 4 - Other Minimum Side Clearance Requirements*

If your side clearance requirement involves:	Then the minimum side clearance requirements from the track centerline are:
Type A Engine house and car repair shop doors.	7 feet 6 inches
Type B Interlocking mechanism, switch boxes, and other similar devices projecting no more than 4 feet above the top of the rail.	3 feet
Type C Poles supporting trolley contact.	8 feet 3 inches
Type D Signals and switch stands no more than 3 feet high and located between tracks where it is not possible to allow other clearances required in this chapter.	6 feet
Type E Signals and switch stands other than those described in Type B and Type D.	8 feet
Type F Material, merchandise, inventory, storage bins or equipment stacked or stored on ground or platforms adjacent to tracks.	8 feet 6 inches Note: This requirement does not apply to: <ul style="list-style-type: none"> • Railroad maintenance operations • Emergency situations

If your side clearance requirement involves:	Then the minimum side clearance requirements from the track centerline are:
	<ul style="list-style-type: none"> • Local conditions that make compliance impossible.
Type G Space adjacent to curved track.	Increased to equal tangent track clearances. As a general rule, side clearances on curved track should be increased 1-1/2" for each degree of curvature.

* Table 4 does not have an accompanying illustration.

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

WAC 296-860-20060 Maintain clearances between tracks. ~~((You must: *~~

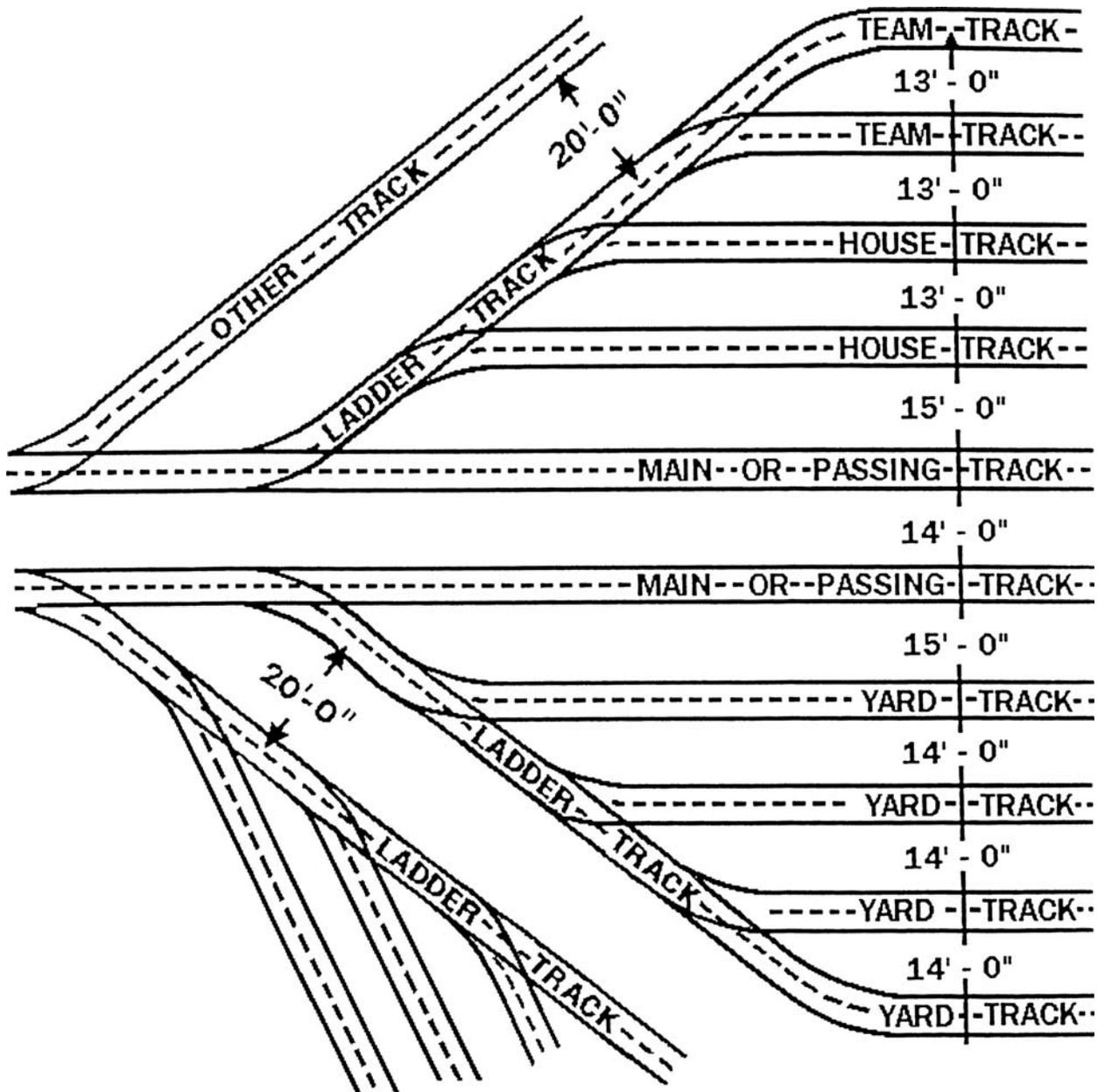
~~•)) You must~~ comply with the track clearance requirements in Table 5.

Table 5 - Minimum Standard Gauge Track Clearances

If your track clearance involves:	Then the minimum clearance requirements between centerlines of standard gauge parallel tracks are:
Main or passing tracks used for transporting cars, locomotives, motors, or like equipment	14 feet
Any tracks adjacent to main or passing tracks	15 feet
Team, house, or industry tracks	13 feet
Yard tracks	14 feet
Ladder and other tracks	20 feet

Note: The following illustration will help you understand the track clearance requirements discussed in this section and WAC 296-860-20080 regulating narrow gauge rail operations.

STANDARD GAUGE TRACK CLEARANCES



AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

WAC 296-860-20070 Move excessive height or width rail car loads with care.

Note: This section regulates rail cars whose dimensions exceed ten feet ten inches wide by fifteen feet six inches high.

~~((You must:~~

•)) (1) You must make sure your yard supervisor is given advanced notice regarding the arrival of any excess height or width cars so they can safeguard any employees working in the yard.

((*) (2) You must make sure no one is allowed to ride on the:

- ((-) (a) Roof of any excessive height car.
- ((-) (b) Side of any excessive width car.
- ((-) (c) Side of any car with a load extending more than five feet five inches from the car's centerline.

AMENDATORY SECTION (Amending WSR 02-17-106, filed 8/21/02, effective 10/1/02)

WAC 296-860-20080 Follow these requirements to conduct narrow gauge rail operations. ~~((You must:~~

•)) (1) You must base your clearance measurements upon your widest narrow gauge cars.

((*) (2) You must make sure the distance between the cars and objects on narrow gauge track is equal to or greater

than the distance required between ten foot ten inch wide cars and other cars or objects on standard gauge track.

((*) (3) You must comply with all other applicable requirements in this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-860-300 Definitions.

NEW SECTION

WAC 296-864-099 Definitions. Barrier. A fence, wall or other object placed between a single-piece rim wheel and an employee during tire inflation that will contain the components if the air in the tire is suddenly released.

Charts.

(a) The United States Department of Labor, Occupational Safety and Health Administration publications entitled "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*";

(b) The National Highway Traffic Safety Administration (NHTSA) publications entitled "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*"; or

(c) Any other poster that contains at least the same instructions, safety precautions and other information contained in the charts applicable to the types of wheels being serviced.

Demounting. Deflating and taking apart a tire and rim wheel.

Installing a rim wheel. The transfer and attachment of an assembled rim wheel onto a vehicle axle hub.

Mounting a tire. The putting together of the wheel and tire components to form a rim wheel, including inflation.

Restraining device. Is a cage or rack that will hold all rim wheel components during an explosive separation of a multipiece rim wheel or during the sudden release of air in a single-piece rim wheel.

Rim manual. Is a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions for the type of wheel being serviced.

Service or servicing. The mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

Service area. Any place where an employee services rim wheels.

Single-piece rim wheel. A single part holds the tire, forms part of the air chamber and is the point where the wheel is attached to the vehicle axle.

Split rim wheel or multipiece rim wheel. A wheel made up of two or more parts. One of the parts is a side ring or locking ring that holds the tire on the wheel when the tire is inflated.

Trajectory. The path that a rim wheel component may travel during an explosive separation or the sudden release of air.

Wheel. That portion of a rim wheel that attaches to the axle of a vehicle and also contains the inflated tire or tire and tube.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-100 Scope.

Note: This rule is intended to protect employees from hazards associated with the exploding separation of rim wheel components. This chapter applies to the protection of employees who service split rim wheels and single-piece rim wheels used on large vehicles. For example:

- ((*) 1. Trucks;
- ((*) 2. Tractors;
- ((*) 3. Trailers;
- ((*) 4. Buses; ~~((AND))~~ and
- ((*) 5. Off-road machines.

~~((Exemption*))~~ This chapter does not apply to the servicing of rim wheels used on:

- EXEMPTION:**
- ((*) 1. Automobiles; ~~((OR))~~ or
 - ((*) 2. Tires designated as light truck (LT).

Note: The tire designation can be found on the sidewall of the tire.

~~((Definition:))~~

~~**Split rim wheel or multipiece rim wheel,** means a wheel made up of two or more parts. One of the parts is a side ring or locking ring that holds the tire on the wheel when the tire is inflated.~~

~~**Single-piece rim wheel** means a single part holds the tire, forms part of the air chamber and is the point where the wheel is attached to the vehicle axle.)~~

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-200 Wheel components.

Summary((*))

Your responsibility:

To make sure rim wheels are serviced safely.

~~((You must:))~~

~~Make sure wheel components are compatible~~

~~WAC 296-864-20005.~~

~~Make sure rim wheels are serviced safely~~

~~WAC 296-864-20010.~~

~~Make sure damaged wheel components are not used~~

~~WAC 296-864-20015.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Make sure wheel components are compatible</u>	<u>WAC 296-864-20005</u>
<u>Make sure rim wheels are serviced safely</u>	<u>WAC 296-864-20010</u>
<u>Make sure damaged wheel components are not used</u>	<u>WAC 296-864-20015</u>

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-20005 Make sure wheel components are compatible. (~~You must:~~

***) (1) You must** make sure tires and rim wheels are compatible before assembly.

(*) (2) You must make sure split rim wheel components are not interchanged, except as provided in:

(-) (a) The Occupational Safety and Health Administration (OSHA) and National Highway Traffic Safety Administration (NHTSA) charts, "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*(-))" (~~(OR~~

~~-)~~; or

(b) The rim manual for that component.

Note: Reprints of these charts, "*Demounting and Mounting Procedures for Truck/Bus Tires*" and "*Multi-Piece Rim Matching Chart*," are available:

(*) 1. Through the WISHA Training and Outreach office at 360-902-5638.

(*) 2. Through the OSHA area offices. The address and telephone number of the nearest OSHA area office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration.

(*) 3. From the OSHA web site at <http://www.osha.gov/pls/publications/pubindex.continue>.

(*) 4. Through U.S. Postal Service at:

OSHA Publications Office
 U.S. Department of Labor Occupational Safety and Health Administration
 ((Room-N3404)) 200 Constitution Ave. N.W.
 Washington D.C. 20210(-)
 Telephone: ((202-523-9667)) 202-693-1888.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-20010 Make sure rim wheels are serviced safely. (~~You must:~~

***) (1) You must** inspect split rim wheel components and single-piece wheels prior to assembly.

(*) (2) You must make sure the following are free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation:

(-) (a) Rim flanges;

(-) (b) Rim gutters;

(-) (c) Rings;

(-) (d) Bead seating surfaces; (~~AND~~

~~-)~~ and

(e) The bead areas of tires.

(*) (3) You must make sure you do not heat any rim wheels at any time.

(*) (4) You must make sure you do not repair any rim wheel that is:

(-) (a) Cracked;

(-) (b) Broken;

(-) (c) Bent; (~~OR~~

~~-)~~ or

(d) Damaged.

Note: Repair includes activities such as striking with a hammer and heating rim wheel components.

(*) (5) You must provide and make sure that an air line assembly consisting of the following components is used for inflating tires:

(-) (a) A clip-on chuck;

(-) (b) An in-line valve with a pressure gauge or a pre-settable regulator; (~~AND~~

~~-)~~ and

(c) A sufficient length of hose between the clip-on chuck and the in-line valve, if one is used, to allow the employee to stand outside the trajectory.

Reference: For additional requirements relating to compressed air tools, see WAC 296-807-140, Compressed air tools, in portable power tools.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-20015 Make sure damaged wheel components are not used. (~~You must:~~

***) (1) You must** make sure any wheel or wheel component that is bent out of shape, pitted from corrosion, broken or cracked is:

(-) (a) Not used;

(-) (b) Marked or tagged unserviceable; (~~AND~~

~~-)~~ and

(c) Removed from the service area.

(*) (2) You must replace damaged or leaky valves

~~((SPLIT (MULTIPIECE) RIM AND SINGLE-PIECE RIM WHEELS))~~

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-300 Restraint devices.

Your responsibility:

To make sure your restraint devices are safe.

(~~You must:~~

~~Use a restraining device~~

~~WAC 296-864-30005:~~

~~Make sure the restraint device meets these requirements~~

~~WAC 296-864-30010:~~

~~Provide charts or rim manuals~~

~~WAC 296-864-30015.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Use a restraining device</u>	<u>WAC 296-864-30005</u>
<u>Make sure the restraint device meets these requirements</u>	<u>WAC 296-864-30010</u>
<u>Provide charts or rim manuals</u>	<u>WAC 296-864-30015</u>

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-30005 Use a restraining device. (~~You must:~~

•) (1) You must use a restraining device for inflating tires on split rim wheels.

(•) (2) You must use a restraining device or barrier for inflating tires on single-piece wheels.

~~(Exemption)~~ A restraining device or barrier is not required for single-piece rim wheels, if the rim wheel will be bolted onto a vehicle during inflation.
EXEMPTION:

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-30010 Make sure the restraint device meets these requirements. (~~You must:~~

•) (1) You must make sure the restraining device or barrier can withstand a rim wheel separation that occurs at one hundred fifty percent of the maximum tire pressure specified.

(•) (2) You must make sure the restraining devices and barriers will contain any components that may be thrown out during a wheel separation of any rim wheel.

(•) (3) You must make sure restraining devices and barriers are visually inspected:

(-) (a) Prior to each day's use; (~~AND~~ -) and

(b) After any separation of the rim wheel components or sudden release of air.

(•) (4) You must make sure any restraining device or barrier that shows damage is immediately removed from service. Examples of damage include:

(-) (a) Cracks at welds;

(-) (b) Cracked or broken components;

(-) (c) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation;

(-) (d) Pitting of components due to corrosion; (~~OR~~ -) or

(e) Other structural damage that would decrease its effectiveness.

(•) (5) You must make sure restraining devices or barriers removed from service are not used until they are repaired and reinspected.

(•) (6) You must make sure restraining devices or barriers that need structural repair are not used until they are certified by either:

(-) (a) The manufacturer; (~~OR~~ -) or

(b) A registered professional engineer.

Note: The certification needs to show that the barrier can withstand a force of one hundred fifty percent of the maximum tire pressure in the event of wheel separation.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-30015 Provide charts or rim manuals. (~~You must:~~

•) (1) You must provide current charts or rim manuals containing instructions for the types of wheels being serviced in the service area.

(•) (2) You must provide and use only tools recommended in the rim manual for the specific type of rim wheel being serviced.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-400 Service split rim wheels safely.

Your responsibility:

To establish and use procedures to service split rim wheels safely.

~~(You must:~~

~~Establish a safe operating procedure for split rim wheels WAC 296-864-40005.~~

~~Follow these procedures for demounting split rim wheels WAC 296-864-40010.~~

~~Follow these procedures when working on split rim wheels and components~~

~~WAC 296-864-40015.~~

~~Follow these procedures for inflating split rim wheels WAC 296-864-40020.)~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Establish a safe operating procedure for split rim wheels</u>	WAC 296-864-40005
<u>Follow these procedures for demounting split rim wheels</u>	WAC 296-864-40010
<u>Follow these procedures when working on split rim wheels and components</u>	WAC 296-864-40015
<u>Follow these procedures for inflating split rim wheels</u>	WAC 296-864-40020

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-40005 Establish a safe operating procedure for split rim wheels. (~~You must:~~

•) (1) You must establish a safe operating procedure for servicing split rim wheels that includes the procedures in WAC 296-864-40010 through 296-864-40020.

(•) (2) You must instruct employees in that procedure.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-40010 Follow these procedures for demounting split rim wheels. (~~You must:~~

•) You must follow the relevant procedures in Table 1, Procedures for Deflating Split Rim Wheels.

**Table 1
Procedures for Demounting Split Rim Wheels**

<u>During these times:</u>	<u>Then:</u>
Demounting rim wheels.	Make sure tires are completely deflated before demounting by removal of the valve core.

During these times:	Then:
During either of the following situations: ((-) The tire has been driven underinflated at ((eighty)) 80 percent or less of its recommended pressure; ((OR)) <u>OR</u> ((-) There is obvious or suspected damage to the tire or wheel components.	Deflate the tires completely by removing the valve core, before a rim wheel is removed from the axle.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-40015 Follow these procedures when working on split rim wheels and components. ~~((You must~~

~~•)) You must~~ follow the relevant procedures in Table 2, Procedures for Working on Split Rim Wheels and Components.

Table 2

Procedures for Working on Split Rim Wheels and Components

During these times:	Then:
A split rim wheel is in a restraining device.	Make sure employees do not rest or lean any part of the body or equipment on or against the restraining device.
Assembly of the wheel and inflation of the tire.	Apply rubber lubricant to bead and rim mating surfaces, unless the tire or wheel manufacturer recommends against it.
After tire inflation.	Do both of the following: Inspect the tire and wheel components while still within the restraining device; ((AND)) <u>and</u> Make sure that they are properly seated and locked.
When adjusting the tire or wheel components.	Deflate the tire by removal of the valve core before the adjustment is made.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-40020 Follow these procedures for inflating split rim wheels. ~~((You must~~

~~•)) You must~~ follow the relevant procedures in Table 3, Procedures for Inflating Split Rim Wheels.

Table 3
Procedures for Inflating Split Rim Wheels

During these times:	Then:
Split rim wheels are being inflated.	Make sure employees stay out of the trajectory.
When all of the following occur: A tire on a vehicle has more than ((eighty)) 80 percent of the recommended pressure; ((AND)) <u>and</u> Remote control inflation equipment is used; ((AND)) <u>and</u> No employees are in the trajectory during inflation.	The tire may be inflated while the rim wheel is on the vehicle.
Assembly of the wheel and inflation of the tire.	Apply rubber lubricant to bead and rim mating surfaces, unless the tire or wheel manufacturer recommends against it.
Inflating tires outside of a restraining device.	Make sure you do not exceed 5 psi (pounds per square inch) to seat the bead.
The tire is pressurized.	Make sure you don't correct the seating of side and lock rings by hammering, striking or forcing the components.

Note: ((*) 1. Employees should stay out of the trajectory as much as possible while installing the split rim wheel onto the vehicle.
((*) 2. The trajectory may deviate from its expected path.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-500 Service single-piece rim wheels safely.

Your responsibility:

To establish and use procedures to service single-piece rim wheels safely.

~~((You must~~

~~Establish a safe operating procedure for single-piece rim wheels~~

~~WAC 296-864-50005.~~

~~Follow these procedures for demounting single-piece rim wheels~~

~~WAC 296-864-50010.~~

~~Follow these procedures when working on single-piece rim wheel components~~

~~WAC 296-864-50015.~~

~~Follow these procedures for inflating single-piece rim wheels~~

~~WAC 296-864-50020.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Establish a safe operating procedure for single-piece rim wheels</u>	<u>WAC 296-864-50005</u>
<u>Follow these procedures for demounting single-piece rim wheels</u>	<u>WAC 296-864-50010</u>
<u>Follow these procedures when working on single-piece rim wheel components</u>	<u>WAC 296-864-50015</u>
<u>Follow these procedures for inflating single-piece rim wheels</u>	<u>WAC 296-864-50020</u>

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-50005 Establish a safe operating procedure for single-piece rim wheels. (~~You must:~~

•)) (1) You must establish a safe operating procedure for servicing single-piece rim wheels that includes the procedures in WAC 296-864-50010 through 296-864-50020.

((*) (2) You must instruct employees in that procedure.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-50010 Follow these procedures for demounting single-piece rim wheels. (~~You must:~~

•)) You must follow the relevant procedures in Table 4, Procedures for Demounting Single-Piece Wheel Components.

Table 4

Procedures for Demounting Single-Piece Rim Wheels

<u>During these times:</u>	<u>Then:</u>
At all times.	Make sure mounting and demounting of the tire is done only from the narrow ledge side of the wheel.
When demounting rim wheels.	Make sure tires are completely deflated before demounting by removal of the valve core.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-50015 Follow these procedures when working on single-piece rim wheels and components. (~~You must:~~

•)) You must follow the relevant procedures in Table 5, Procedures for Working on Single-Piece Wheel Components.

Table 5
Procedures for Working on Single-Piece Rim Wheel Components

<u>During these times:</u>	<u>Then:</u>
At all times.	Avoid damaging the tire beads while mounting tires on wheels.
At all times.	Make sure tires are mounted only on compatible wheels of matching bead diameter and width.
Before assembly of the rim wheel.	Apply rubber lubricant to bead and wheel mating surfaces, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.
When using a tire changing machine.	Make sure the tire is inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.
When using a bead expander.	Make sure it is removed: ((-) Before the valve core is installed; (AND) <u>and</u> ((-) As soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).

Note: You should not inflate tires above 40 psi to seat the bead.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-50020 Follow these procedures for inflating single-piece rim wheels. (~~You must:~~

•)) (1) You must inflate tires only when contained within a restraining device or bolted on the vehicle with the lug nuts fully tightened.

((*) (2) You must make sure tires are not inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.

((*) (3) You must make sure employees stay out of the trajectory when inflating a tire.

((*) (4) You must make sure, when inflating tires, that the inflation pressure stamped in the sidewall isn't exceeded unless the manufacturer recommends a higher pressure.

((*) (5) You must make sure tires aren't inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-600 Employee training.

Your responsibility:

To train employees to service split rim and single-piece rim wheels.

~~((You must:~~

~~Train employees who service rim wheels~~

~~WAC 296-864-60005.~~

~~Make sure employees demonstrate and retain the ability to service rim wheels safely~~

~~WAC 296-864-60010.))~~

<u>You must meet the requirements ...</u>	<u>in this section:</u>
<u>Train employees who service rim wheels</u>	<u>WAC 296-864-60005</u>
<u>Make sure employees demonstrate and retain the ability to service rim wheels safely</u>	<u>WAC 296-864-60010</u>

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-60005 Train employees who service rim wheels. ~~((You must:~~

~~•)) (1) You must train all employees who service rim wheels.~~

~~((•) (2) You must make sure that employees do not service any rim wheel until they have been trained and instructed in:~~

~~((-) (a) Correct procedures of servicing the type of wheel being worked on; ~~((AND~~~~

~~-)) and~~

~~(b) The safe operating procedures described in:~~

~~((•) (i) WAC 296-864-400, Service split rim wheels safely; ~~((AND~~~~

~~•)) and~~

~~((ii) WAC 296-864-500, Service single-piece rim wheels safely.~~

~~((•) (3) You must make sure the training program explains the hazards involved in servicing those rim wheels and the safety procedures to be followed.~~

~~((•) (4) You must make sure the training program includes, at a minimum, the applicable data from the:~~

~~((-) (a) Charts;~~

~~((-) (b) Rim manuals; ~~((AND~~~~

~~-)) and~~

~~((c) Contents of this standard.~~

AMENDATORY SECTION (Amending WSR 04-20-079, filed 10/5/04, effective 2/1/05)

WAC 296-864-60010 Make sure employees demonstrate and retain the ability to service rim wheels safely. ~~((You must:~~

~~•)) (1) You must make sure that each employee demonstrates the ability to service rim wheels safely, including per-~~

forming the following tasks for the specified type of rim wheel in Table 6.

**Table 6
Required Training Tasks**

Required Task	Split Rim	Single-Piece Rim
Demounting and deflation of tires((-))	X	X
Inspection and identification of the rim wheel components((-))	X	X
Hazards of mixing 16" ((and)) BS 16.5" tires and rims((-))		X
Mounting of tires((-))	X	X
Inflation of tires with a restraining device or other safeguard required by this section((-))	X	X
Use of the restraining device or barrier, and other equipment required by this section((-))	X	X
Handling of rim wheels((-))	X	X
Inflation of the tire when a rim wheel is mounted on a vehicle((-))		X
The hazards associated with standing in front of a split rim or single-piece rim wheel: ((-) During inflation of the tire; ((-) During inspection of the rim wheel following inflation; ((AND)) <u>and</u> ((-) Installation and removal of rim wheels.	X	X

~~((You must:~~

~~•)) (2) You must make sure any employee that is unable to read the charts or rim manual is effectively trained on their contents.~~

~~((•) (3) You must evaluate each employee's ability to perform these tasks and to service rim wheels safely.~~

~~((•) (4) You must provide additional training as necessary to make sure that each employee maintains his or her proficiency.~~

Helpful tool:

Training checklist

The optional training checklist can help you monitor the training status of your employees. You can find this checklist in the resources section of this chapter.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-864-700 Definitions.

WSR 15-15-166
PROPOSED RULES
HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed July 22, 2015, 8:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-12-078.

Title of Rule and Other Identifying Information: WAC 182-501-0160 Exception to rule—Request for a noncovered health care service.

Hearing Location(s): Health Care Authority (HCA), Cherry Street Plaza Building, Sue Crystal Conference Room 106A, 626 8th Avenue, Olympia, WA 98504 (metered public parking is available street side around building. A map is available at http://www.hca.wa.gov/documents/directions_to_csp.pdf or directions can be obtained by calling (360) 725-1000, on August 25, 2015, at 10:00 a.m.

Date of Intended Adoption: Not sooner than August 26, 2015.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 45504, Olympia, WA 98504-5504, delivery 626 8th Avenue, Olympia, WA 98504, e-mail arc@hca.wa.gov, fax (360) 586-9727, by 5:00 p.m., August 25, 2015.

Assistance for Persons with Disabilities: Contact Kelly Richters by August 21, 2015, TTY (800) 848-5429 or (360) 725-1307 or e-mail kelly.richters@hca.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending this rule to clarify the exception to rule process: A client or provider must request an exception to rule before the requested service is rendered. The agency is also making editorial changes to improve clarity.

Reasons Supporting Proposal: The rule as written could be misinterpreted.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Sean Sullivan, P.O. Box 42716, Olympia, WA 98504-2716, (360) 725-1344; Implementation and Enforcement: Gail Kreiger, P.O. Box 45506, Olympia, WA 98504-5506, (360) 725-1681.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The agency has determined that the proposed filing does not impose a disproportionate cost impact on small businesses or nonprofits.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

July 22, 2015
 Wendy Barcus
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-18-035, filed 8/28/13, effective 9/28/13)

WAC 182-501-0160 Exception to rule—Request for a noncovered health care service. A client (~~(and)~~) or the client's provider may request that the medicaid agency or its designee (~~(to)~~) pay for a noncovered health care service. This is called an exception to rule (ETR). The request for ETR must be made before the service is rendered.

(1) The agency's medical director or designee evaluates and considers requests on a case-by-case basis. The agency's medical director has final authority to approve or deny a request for ETR.

(2) The agency or its designee cannot approve an (~~exception to rule~~) ETR if the requested service is excluded under state statute.

(~~(2) The~~) (3) Any item or service(~~(s)~~) for which an (~~exception to rule~~) ETR is requested must (~~be of a type and nature which falls~~):

(a) Fall within accepted standards and precepts of good medical practice;

(~~(3) All exception requests must~~) (b) Represent cost-effective (~~utilization of medical assistance program funds as determined by the agency or its designee~~;

(4) A request for an exception to rule must) use of public funds; and

(c) Be submitted to the agency or its designee in writing within ninety days of the date of the written notification denying authorization for the noncovered service.

(4) For the agency or its designee to consider the (~~exception to rule~~) ETR request:

(a) The client (~~(and)~~) or the client's health care provider must submit sufficient client-specific information and documentation to the agency's medical director or designee which demonstrate that the client's clinical condition is so different from the majority that there is no equally effective, less costly covered service or equipment that meets the client's need(~~(s)~~).

(b) The client's health care (~~(professional)~~) provider must certify that medical treatment or items of service which are covered under the client's (~~(medical assistance)~~) Washington apple health program and which, under accepted standards of medical practice, are indicated as appropriate for the treatment of the illness or condition, have been found to be:

(i) Medically ineffective in the treatment of the client's condition; or

(ii) Inappropriate for that specific client.

(5) Within fifteen business days of receiving the request, the agency or its designee must send(~~(s)~~) written notification to the provider and the client:

(a) Approving the (~~exception to rule~~) ETR request;

(b) Denying the (~~exception to rule~~) ETR request; or

(c) Requesting additional information.

(i) The additional information must be received by the agency or its designee within thirty days of the date the information was requested.

(ii) The agency or its designee must approve(~~(s or denies the exception to rule)~~) or deny the ETR request within five business days of receiving the additional information.

(iii) If the requested information is insufficient or not provided within thirty days, the agency or its designee denies the ~~((exception to rule))~~ ETR request.

~~(6) ((The agency's medical director or designee evaluates and considers requests on a case-by-case basis. The agency's medical director has final authority or approve or deny a request for exception to rule.~~

~~(7) Clients do))~~ A client does not have a right to a fair hearing on ~~((exception to rule))~~ ETR decisions.

WSR 15-15-170
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Docket U-140621—Filed July 22, 2015, 9:27 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 14-09-087.

Title of Rule and Other Identifying Information: Chapter 480-54 WAC, Attachment to transmission facilities.

Hearing Location(s): Commission Hearing Room 206, Second Floor, Richard Hemstad Building, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504-7250, on September 17, 2015, at 9:30 a.m.

Date of Intended Adoption: September 17, 2015.

Submit Written Comments to: Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, e-mail records@utc.wa.gov, fax (360) 586-1150, by August 24, 2015. Please include "Docket U-140621" in your comments.

Assistance for Persons with Disabilities: Contact Debbie Aguilar by September 3, 2015, TTY (360) 586-8203 or (360) 664-1132.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Federal law requires the Federal Communications Commission (FCC) to regulate attachments to utility poles unless a state certifies that it regulates such attachments. The Washington legislature elected to assert jurisdiction over attachment to transmission facilities by enacting chapter 80.54 RCW. The statute authorizes the Washington utilities and transportation commission (commission) "to regulate in the public interest the rates, terms, and conditions for attachments by licensees or utilities," and requires the commission to adopt implementing rules, regulations, and procedures.

The proposed rules would implement chapter 80.54 RCW governing attachments to utility transmission facilities.

Reasons Supporting Proposal: See Purpose above.

Statutory Authority for Adoption: RCW 80.01.040, 80.04.160, 80.54.020, and 80.54.060.

Statute Being Implemented: Chapter 80.54 RCW.

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: Gregory J. Kopta, 1300 South Evergreen Park Drive S.W.,

Olympia, WA 98504, (360) 664-1355; Implementation and Enforcement: Steven V. King, 1300 South Evergreen Park Drive S.W., Olympia, WA 98504, (360) 664-1115.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

I. Introduction: The commission initiated a rule making in April 2014 in Docket U-140621 to consider rules to implement chapter 80.54 RCW establishing requirements for attachments to utility transmission facilities.

Over the past year, the commission requested and received four sets of comments from stakeholders and held two stakeholder workshops. The draft rules are now sufficiently developed to 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 in accordance with chapter 19.85 RCW, or explain why an SBEIS was not prepared. RCW 34.05.320 (1)(k). The commission has prepared this SBEIS in compliance with that requirement.

II. 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(1). "'Minor cost' means a cost per business that is less than three-tenths of one percent of annual revenue or income or one hundred dollars, whichever is greater, or one percent of annual payroll." RCW 19.85.020(2). An SBEIS is intended to assist agencies in evaluating the proposed rule's impact on small businesses. A business is categorized as "small" under the Regulatory Fairness Act if the business employs fifty or fewer employees. RCW 19.85.020(3).

Agencies must determine whether compliance with a proposed rule has a disproportionate economic impact on small businesses in the affected industry. RCW 19.85.040(1). Agencies must compare the cost of compliance for small businesses with the cost of compliance for the ten percent 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. If they find such an impact, agencies must consider means to minimize the costs imposed on small businesses. RCW 19.85.030(2).

III. SBEIS Evaluation Procedure: The commission has prepared an SBEIS for the proposed rules in Docket U-140621 to determine whether those rules would impose more than minor costs on the affected industries that disproportionately impact small businesses and, if so, to consider means to minimize costs to small businesses.

On May 27, 2015, the commission mailed a notice to all stakeholders of the opportunity to respond to an SBEIS questionnaire. The notice requested that the affected companies provide information concerning the cost impact of the latest draft rules. The commission received economic impact comments from five stakeholders: Puget Sound Energy (PSE), Avista Corporation (Avista), Pacific Power & Light Company, PCIA-The Wireless Infrastructure Association and HetNet Forum, and the Broadband Communications Associ-

ation of Washington. Only PSE and Avista attempted to quantify the economic impact of the proposed rules.

None of the five respondents to the SBEIS questionnaire is a small business, purports to represent a small business, or provides data on the economic impact of the proposed rules on small businesses. The economic data PSE and Avista provided, moreover, demonstrates that the proposed rules will not impose more than minor costs on businesses in the utility industries the rules will affect.¹ Accordingly, no SBEIS is required. The commission nevertheless has analyzed the data provided in light of the purpose of the rules and the cost of compliance asserted by the companies to ensure that the effect of the rule making is fair and does not impose an undue burden on affected companies.

¹ PSE and Avista are the only commenters that attempt [attempted] to quantify the economic impact of the proposed rules. PSE estimates that impact at between \$1.5 million and \$2.6 million per year, far less than the statutory standard of .003 percent of that company's total annual revenues which were more than \$3 billion in 2014, while Avista's estimate is less than \$1.4 million, which is only .002 percent of its 2014 total revenues of more than \$677 million.

IV. Rule-Making History: The commission initiated this rule making in April 2014 by issuing a CR-101 Rule-making notice. The commission has taken the following steps in pursuing this rule making:

- The commission received comments on the CR-101 notice in May 2014 and conducted a workshop on July 28, 2014. The commission evaluated those comments and the workshop discussion and prepared initial draft rules based, in part, on stakeholder input.
- The commission issued a notice of opportunity to file written comments and a notice of workshop on September 8, 2014. The notice included a set of draft rules. The commission received comments on the draft rules on October 8, 2014, and held a workshop for interested parties on October 28, 2014.
- After reviewing the comments and considering the workshop discussion, the commission revised the draft rules and issued another notice of opportunity to file written comments on January 6, 2015. The notice included the second draft rules.
- The commission received comments on the second draft rules in February 2015. After reviewing the comments, the commission further revised the draft rules and issued another notice of opportunity to file written comments on March 24, 2015. The notice included the third draft rules.
- The commission received comments on the third draft rules in April and May 2015. The commission evaluated those comments and made additional changes to the draft rules, which the commission posted in this docket when it issued the SBEIS questionnaire. The commission is now ready to publish and circulate proposed rules in conjunction with filing a CR-102 with the office of the code reviser.

V. Results of the SBEIS Analysis: The commission considered the general financial impact of complying with the proposed rules throughout the rule making process in response to comments that various stakeholders submitted.

PSE and Avista also responded to the SBEIS questionnaire and attempted to quantify the cost impact of the proposed rules on each of those companies. That impact generally falls into three categories: (1) Rates - reduced revenues as a result of lower rates these facility owners will be able to charge for attachments and higher rates these companies will have to pay to attach to other owners' facilities; (2) additional personnel needed to review and process applications for attachments, renegotiate attachment agreements, and respond to complaints filed with the commission; and (3) increased investment in poles to ensure sufficient inventory to timely respond to attachment requests.

Rates. PSE and Avista estimate that the formula the commission proposes to adopt for setting attachment rates will result in a reduction in the rates these companies currently charge and in higher rates than they pay to attach to some other owners' poles. The FCC developed the attachment rate formula the commission proposes to adopt, which has withstood multiple legal challenges. The commission finds that the formula is well established, results in appropriate cost recovery, and is consistent with the criteria for a just and reasonable rate the legislature established in RCW 80.54.040. Rates calculated using this formula will be fair, just, reasonable, and sufficient, and any loss of revenue or increased payments that result from charging these rates are neither undue nor have a disproportionate impact.

Additional Personnel. PSE and Avista estimate that the proposed rules will require them to hire additional personnel to review and process attachment applications within the required time frames, renegotiate attachment agreements to incorporate the new requirements, and respond to complaints that may be filed with the commission. The proposed rules, however, authorize facility owners to recover all of these costs through a nonrecurring fee charged to the requester if those costs are not included in the carrying charges that are part of the annual attachment rate. Thus the entities attaching to the facilities, not the owners, will incur those costs.

Increased Pole Inventory. PSE and Avista estimate that the proposed rules will result in these companies increasing their pole inventory either to enable them to timely respond to requesters willing to pay for a taller pole to be able to attach or allow the company to promptly replace poles for its own need for increased space due to other entities' attachments to the pole. Again, the requester, not the owner, bears the entire cost of replacing a pole for the requester's benefit even though the owner also reaps the benefit of owning a new pole. To the extent that an owner must pay to replace a pole to accommodate the owner's own need for increased space, the owner is in no worse position than a requester who must pay for a new pole when the existing pole lacks sufficient capacity for additional attachments. These costs, therefore, neither are undue nor have a disproportionate impact.

VI. Proposed Rules that May Create Costs: The proposed rules are new, and each of them will create some compliance costs on all companies that own or attach to transmission facilities. The legislature, however, required the commission to promulgate rules to implement the principles the legislature adopted in chapter 80.54 RCW, and the resulting costs are in keeping with that legislative mandate. The commission's analysis of the issues raised in this rule making sup-

ports a determination that none of the proposed rules will disproportionately impact small businesses or any other stakeholders.

VII. Summary of Findings: The commission has reviewed the information provided by the two companies that attempted to quantify the cost impact of the proposed rules in response to the SBEIS questionnaire, as well as information they and other stakeholders submitted throughout the rule-making process. The commission finds that the proposed rule changes will not impose more than minor costs on the affected electric and telecommunications industries. The commission also finds that even those minor costs will not disproportionately impact small businesses or any other stakeholders.

VIII. Mitigation: The proposed rules do not have a disproportionate economic impact on small businesses, and therefore the commission did not need to consider any mitigation measures.

IX. Conclusion: Chapter 19.85 RCW requires that an agency prepare an SBEIS to assess whether proposed rules would impose more than minor costs on businesses in an industry, in this case, electric and telecommunications companies, and whether any such costs disproportionately impact small businesses. Based on all information collected throughout the rule-making process to date, the commission has determined the proposed rules in chapter 480-54 WAC are necessary and prudent to fulfill the agency's statutory responsibilities, the proposed rules will not impose more than minor costs to businesses, and those costs will not disproportionately impact small businesses.

A copy of the statement may be obtained by contacting Washington Utilities and Transportation Commission, Records Center, Docket U-140621, 1300 South Evergreen Park Drive S.W., P.O. Box 47250, Olympia, WA 98504-7250, phone (360) 664-1234, fax (360) 586-1150, e-mail records@utc.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 22, 2015
Steven V. King
Executive Director
and Secretary

Chapter 480-54 WAC

ATTACHMENT TO TRANSMISSION FACILITIES

NEW SECTION

WAC 480-54-010 Purpose, interpretation, and application. (1) This chapter implements chapter 80.54 RCW "Attachment to Transmission Facilities."

(2) The commission will consider Federal Communications Commission orders promulgating and interpreting its pole attachment rules and federal court decisions reviewing those rules and interpretations as persuasive authority in construing the provisions in this chapter.

(3) The rules in this chapter apply to all owners, occupants, and requesters as defined in this chapter without regard to whether those entities are otherwise subject to commission jurisdiction.

NEW SECTION

WAC 480-54-020 Definitions. "Attachment" means any wire, cable, or antenna for the transmission of intelligence by telecommunications or television, including cable television, light waves, or other phenomena, or for the transmission of electricity for light, heat, or power, and any related device, apparatus, or auxiliary equipment, installed upon any pole or in any telecommunications, electrical, cable television, or communications right of way, duct, conduit, manhole or handhole, or other similar facilities owned or controlled, in whole or in part, by one or more owners, where the installation has been made with the consent of the one or more owners consistent with the rules in this chapter.

"Attachment agreement" means an agreement negotiated in good faith between an owner and a utility or licensee establishing the rates, terms, and conditions for attachments to the owner's facilities.

"Carrying charge" means the costs the owner incurs to own and maintain poles, ducts, or conduits without regard to attachments, including the owner's administrative, maintenance, and depreciation expenses, commission-authorized rate of return on investment, and applicable taxes. When used to calculate an attachment rate, the carrying charge may be expressed as a percentage of the net pole, duct, or conduit investment.

"Communications space" means the usable space on a pole below the communications workers safety zone and above the vertical space for meeting ground clearance requirements under the National Electrical Safety Code.

"Conduit" means a structure containing one or more ducts, usually placed in the ground, in which cables or wires may be installed.

"Duct" means a single enclosed raceway for conductors, cable, or wire.

"Facility" means a pole, duct, conduit, manhole or handhole, right of way, or similar structure on or in which attachments can be made. "Facilities" refers to more than one facility.

"Inner duct" means a duct-like raceway smaller than a duct that is inserted into a duct so that the duct may carry multiple wires or cables.

"Licensee" means any person, firm, corporation, partnership, company, association, joint stock association, or cooperatively organized association, other than a utility, that is authorized to construct attachments upon, along, under, or across the public ways.

"Make-ready work" means engineering or construction activities necessary to make a pole, duct, conduit, right of way, or other support equipment available for a new attachment, attachment modifications, or additional attachments. Such work may include rearrangement of existing attachments, installation of additional support for the utility pole, or creation of additional capacity, up to and including replacement of an existing pole with a taller pole.

"Net cost of a bare pole" means (a) the original investment in poles, including purchase price of poles and fixtures and excluding cross-arms and appurtenances, less depreciation reserve and deferred federal income taxes associated with the pole investment, divided by (b) the number of poles represented in the investment amount. When an owner owns poles jointly with another utility, the number of poles for purposes of calculating the net cost of a bare pole is the number of solely owned poles plus the product of the number of the jointly owned poles multiplied by the owner's ownership percentage in those poles. In the unusual situation in which net pole investment is zero or negative, the owner may use gross figures with appropriate net adjustments.

"Occupant" means any utility or licensee with an attachment to an owner's facility that the owner has granted the utility or licensee the right to maintain.

"Occupied space" means that portion of the facility used for attachment that is rendered unusable for any other attachment, which is presumed to be one foot on a pole and one half of a duct in a duct or conduit.

"Overlashing" means the tying of additional communications wires or cables to existing communications wires or cables attached to poles.

"Owner" means the utility that owns or controls the facilities to or in which an occupant maintains, or a requester seeks to make, attachments.

"Pole" means an above-ground structure on which an owner maintains attachments, which is presumed to be thirty-seven and one-half feet in height. When the owner is an electrical company as defined in RCW 80.04.010, "pole" is limited to structures used to attach electric distribution lines.

"Requester" means a licensee or utility that applies to an owner to make attachments to or in the owner's facilities and that has an agreement with the owner establishing the rates, terms, and conditions for attachments to the owner's facilities.

"Right of way" is an owner's legal right to construct, install, or maintain facilities or related equipment in or on grounds or property belonging to another person. For purposes of this chapter, "right of way" includes only such legal rights that permit the owner to allow third parties access to those rights.

"Unusable space," with respect to poles, means the space on the pole below the usable space, including the amount required to set the depth of the pole. In the absence of measurements to the contrary, a pole is presumed to have twenty-four feet of unusable space.

"Usable space," with respect to poles, means the vertical space on a pole above the minimum grade level that can be used for the attachment of wires, cables, and associated equipment, and that includes space occupied by the owner. In the absence of measurements to the contrary, a pole is presumed to have thirteen and one-half feet of usable space. With respect to conduit, "usable space" means capacity within a conduit that is available or that could, with reasonable effort and expense, be made available, for the purpose of installing wires, cable, and associated equipment for telecommunications or cable services, and that includes capacity occupied by the owner.

"Utility" means any electrical company or telecommunications company as defined in RCW 80.04.010, and does

not include any entity cooperatively organized or owned by federal, state, or local government, or a subdivision of state or local government.

NEW SECTION

WAC 480-54-030 Duty to provide access; make-ready work; timelines. (1) An owner shall provide requesters with nondiscriminatory access for attachments to or in any facility the owner owns or controls, except that if the owner is an electrical company as defined in RCW 80.04.-010, the owner is not obligated to provide access for attachment to its facilities by another electrical company. An owner may deny such access to specific facilities on a nondiscriminatory basis where there is insufficient capacity or for reasons of safety, reliability, and generally applicable engineering principles; provided that the owner may not deny access to a pole based on insufficient capacity if the requester is willing to compensate the owner for the costs to replace the existing pole with a taller pole or otherwise undertake make-ready work to increase the capacity of the pole to accommodate an additional attachment including, but not limited to, using space- and cost-saving attachment techniques, such as boxing (installation of attachments on both sides of the pole at approximately the same height) or bracketing (installation of extension arms), to the extent that the owner uses, or allows occupants to use, such attachment techniques in the communications space of the owner's poles.

(2) All rates, terms, and conditions made, demanded, or received by any owner for any attachment by a licensee or by a utility must be fair, just, reasonable, and sufficient and must be included in an attachment agreement with the licensee or utility. Parties may mutually agree on terms for attachment to or in facilities that differ from those in this chapter. In the event of disputes submitted for commission resolution, any party advocating rates, terms, or conditions that vary from the rules in this chapter bears the burden to prove those rates, terms, or conditions are fair, just, reasonable, and sufficient.

(3) Except for overlashing requests described in subsection (1) of this section, a requester must submit a written application to an owner to request access to its facilities. The owner may recover from the requester the reasonable costs the owner actually and reasonably incurs to process the application, including the costs of inspecting the facilities identified in the application and preparing a preliminary estimate for any necessary make-ready work, to the extent these costs are not, and would not ordinarily be, included in the accounts used to calculate the attachment rates in WAC 480-54-060. The owner may survey the facilities identified in the application and may recover from the requester the costs the owner actually and reasonably incurs to conduct that survey. The owner must provide the requester with an estimate of those costs prior to conducting a survey. The owner must complete any such survey and respond in writing to requests for access to the facilities identified in the application within forty-five days from the date the owner receives a complete application, except as otherwise provided in this section. A complete application is an application that provides the information

necessary to enable the owner to identify and evaluate the facilities to or in which the requester seeks to attach.

(4) If the owner denies the request in an application for access, in whole or in part, the owner's written response to the application must include an explanation of the reasons for the denial for each facility to which the owner is denying access. Such a response must include all relevant information supporting the denial.

(5) To the extent that it grants the access requested in an application, the owner's written response must inform the requester of the results of the review of the application. Within fourteen days of providing its written response, the owner must provide an estimate of charges to perform all necessary make-ready work, including the costs of completing the estimate. Make-ready work costs are nonrecurring costs that are not included in carrying charges and must be costs that the owner actually and reasonably incurs to provide the requester with access to the facility.

(a) The requester must accept or reject an estimate of charges to perform make-ready work within thirty days of receipt of the estimate. The owner may require the requester to pay all estimated charges to perform make-ready work as part of acceptance of the estimate or before the owner undertakes the make-ready work subject to true-up to the reasonable costs the owner actually incurs to undertake the work.

(b) An owner may withdraw an outstanding estimate of charges to perform make-ready work any time after thirty days from the date the owner provides the estimate to the requester if the requester has not accepted or rejected that estimate. An owner also may establish a date no earlier than thirty days from the date the owner provides the estimate to the requester after which the estimate expires without further action by the owner.

(6) For requests to attach to poles, the owner must determine the time period for completing the make-ready work and provide that information in a written notice to the requester and all known occupants with existing attachments on the poles that may be affected by the make-ready work. The owner and the requester must coordinate the make-ready work with any such occupants, as necessary.

(a) For attachments in the communications space, the notice shall:

(i) Specify where and what make-ready work will be performed.

(ii) Set a date for completion of make-ready work that is no later than sixty days after the notice is sent. For good cause shown, the owner may extend completion of the make-ready work by an additional fifteen days.

(iii) State that any occupant with an existing attachment may modify that attachment consistent with the specified make-ready work before the date set for completion of that work. Any occupant with an existing attachment that does not comply with applicable safety requirements must modify that attachment to bring it into compliance before the date set for completion of the make-ready work. The occupant shall be responsible for all costs incurred to bring its attachment into compliance.

(iv) State that the owner may assert its right to fifteen additional days to complete the make-ready work.

(v) State that if make-ready work is not completed by the completion date set by the owner (or fifteen days later if the

owner has asserted its right to fifteen additional days), the owner and the requester may negotiate an extension of the completion date or the requester, after giving reasonable notice to the owner, may hire a contractor from the list of contractors the owner has authorized to work on its poles to complete the specified make-ready work within the communications space. If the owner does not maintain a list of authorized contractors, the requester may choose a contractor without the owner's authorization.

(vi) State the name, telephone number, and e-mail address of a person to contact for more information about the make-ready work.

(b) For wireless antennas or other attachments on poles in the space above the communications space, the notice shall:

(i) Specify where and what make-ready work will be performed.

(ii) Set a date for completion of make-ready work that is no later than ninety days after notice is sent. For good cause shown, the owner may extend completion of the make-ready work by an additional fifteen days.

(iii) State that any occupant with an existing attachment may modify the attachment consistent with the specified make-ready work before the date set for completion of that work. Any occupant with an existing attachment that does not comply with applicable safety requirements must modify that attachment to bring it into compliance before the date set for completion of the make-ready work. The occupant shall be responsible for all costs incurred to bring its attachment into compliance.

(iv) State that the owner may assert its right to fifteen additional days to complete the make-ready work.

(v) State the name, telephone number, and e-mail address of a person to contact for more information about the make-ready work.

(7) For the purpose of compliance with the time periods in this section:

(a) The time periods apply to all requests for access to up to three hundred poles or 0.5 percent of the owner's poles in Washington, whichever is less.

(b) An owner shall negotiate in good faith the time periods for all requests for access to more than three hundred poles or 0.5 percent of the owner's poles in Washington, whichever is less.

(c) An owner may treat multiple requests from a single requester as one request when the requests are filed within the same thirty-day period. The applicable time period for completing the optional survey or required make-ready work begins on the date of the last request the owner receives from the requester within the thirty-day period.

(8) An owner may extend the time periods specified in this section under the following circumstances:

(a) For replacing existing poles to the extent that circumstances beyond the owner's control including, but not necessarily limited to, local government permitting, landowner approval, or adverse weather conditions, require additional time to complete the work; or

(b) During performance of make-ready work if the owner discovers unanticipated circumstances that reasonably require additional time to complete the work. Upon discovery of the circumstances in (a) or (b) of this subsection, the owner

must promptly notify, in writing, the requester and other affected occupants with existing attachments. The notice must include the reason for the extension and date by which the owner will complete the work. The owner may not extend completion of make-ready work for a period any longer than reasonably necessary and shall undertake such work on a nondiscriminatory basis with the other work the owner undertakes on its facilities.

(9) If the owner determines that a survey is necessary for responding to a request for attachment to poles and fails to complete a survey of the facilities specified in the application within the time periods established in this section, a requester seeking attachment in the communications space may negotiate an extension of the completion date with the owner or may hire a contractor from the list of contractors the owner has authorized to work on its poles to complete the survey. If the owner does not maintain a list of authorized contractors, the requester may choose a contractor without the owner's authorization.

(10) If the owner does not complete any required make-ready work within the time periods established in this section, a requester seeking attachment in the communications space may negotiate an extension of the completion date with the owner or may hire a contractor from the list of contractors the owner has authorized to work on its poles to complete the make-ready work within the communications space:

(a) Immediately, if the owner declines to exercise its right to perform any necessary make-ready work by notifying the requester that the owner will not undertake that work; or

(b) After the end of the applicable time period authorized in this section if the owner has asserted its right to perform make-ready work and has failed to timely complete that work.

If the owner does not maintain a list of authorized contractors, the requester may choose a contractor without the owner's authorization.

(11) An occupant need not submit an application to the owner if the occupant intends only to overlash additional communications wires or cables onto communications wires or cables it previously attached to poles with the owner's consent under the following circumstances:

(a) The occupant must provide the owner with written notice fifteen business days prior to undertaking the overlash. The notice must identify no more than one hundred affected poles and describe the additional communications wires or cables to be overlashed so that the owner can determine any impact of the overlash on the poles or other occupants' attachments. The notice period does not begin until the owner receives a complete written notice that includes the following information:

(i) The size, weight per foot, and number of wires or cables to be overlashed; and

(ii) Maps of the proposed overlash route, including pole numbers if available.

(b) A single occupant may not submit more than five notices or identify more than a total of one hundred poles for overlash in any ten business day period. The applicable time period for responding to multiple notices begins on the date of the last notice the owner receives from the occupant within the ten business day period.

(c) The occupant may proceed with the overlash described in the notice unless the owner provides a written response, within ten business days of receiving the occupant's notice, prohibiting the overlash as proposed. The owner may recover from the requester the costs the owner actually and reasonably incurs to inspect the facilities identified in the notice and to prepare any written response. The occupant must correct any safety violations caused by its existing attachments before overlash additional wires or cables on those attachments.

(d) The owner may refuse to permit the overlash described in the notice only if, in the owner's reasonable judgment, the overlash would have a significant adverse impact on the poles or other occupants' attachments. The refusal must describe the nature and extent of that impact, include all relevant information supporting the owner's determination, and identify the make-ready work that the owner has determined would be required prior to allowing the proposed overlash. The parties must negotiate in good faith to resolve the issues raised in the owner's refusal.

(e) A utility's or licensee's wires or cables may not be overlashed on another occupant's attachments without the owner's consent and unless the utility or licensee has an attachment agreement with the owner that includes rates, terms, and conditions for overlash on the attachments of other occupants.

NEW SECTION

WAC 480-54-040 Contractors for survey and make-ready work. (1) An owner should make available and keep up-to-date a reasonably sufficient list of contractors it authorizes to perform surveys and make-ready work in the communications space on its poles in cases where the owner has failed to meet deadlines specified in WAC 480-54-030.

(2) If a requester hires a contractor for purposes specified in WAC 480-54-030, the requester must choose a contractor included on the owner's list of authorized contractors. If the owner does not maintain such a list, the requester may choose a contractor without the owner's approval of that choice.

(3) A requester that hires a contractor for survey or make-ready work must provide the owner with prior written notice identifying and providing the contact information for the contractor and must provide a reasonable opportunity for an owner representative to accompany and consult with the contractor and the requester.

(4) Subject to commission review in a complaint proceeding, the consulting representative of an owner may make final determinations, on a nondiscriminatory basis, on the attachment capacity of any pole and on issues of safety, reliability, and generally applicable engineering principles.

NEW SECTION

WAC 480-54-050 Modification costs; notice; temporary stay. (1) The costs of modifying a facility to create capacity for additional attachment, including but not limited to replacement of a pole, shall be borne by the requester and all existing occupants and owner that directly benefit from the modification. Each such occupant or owner shall share

the cost of the modification in proportion to the amount of new or additional usable space the occupant or owner occupies on or in the facility. An occupant or owner with an existing attachment to the modified facility shall be deemed to directly benefit from a modification if, after receiving notification of such modification, that occupant or owner adds to its existing attachment or otherwise modifies its attachment. An occupant or owner with an existing attachment shall not be deemed to directly benefit from replacement of a pole if the occupant or owner only transfers its attachment to the new pole.

(2) The costs of modifying a facility to bring an existing attachment into compliance with applicable safety requirements shall be borne by the occupant or owner that created the safety violation. Such costs include, but are not necessarily limited to, the costs incurred by the owner or other occupants to modify the facility or conforming attachments. An occupant with an existing conforming attachment to a facility shall not be required to bear any of the costs to rearrange or replace the occupant's attachment if such rearrangement or replacement is necessitated solely as a result of creating capacity for an additional attachment or to accommodate modifications to the facility or another occupant's existing attachment made to bring that attachment into conformance with applicable safety requirements.

(3) An owner shall provide an occupant with written notice prior to removal of, termination of service to, or modification of (other than routine maintenance or modification in response to emergencies) any facilities on or in which the occupant has attachments affected by such action. The owner must provide such notice as soon as practicable but no less than sixty days prior to taking the action described in the notice; provided that the owner may provide notice less than sixty days in advance if a governmental entity or landowner other than the owner requires the action described in the notice and did not notify the owner of that requirement more than sixty days in advance.

(4) A utility or licensee may file with the commission and serve on the owner a "petition for temporary stay" of utility action contained in a notice received pursuant to subsection (3) of this section within twenty days of receipt of such notice. The petition must be supported by declarations or affidavits and legal argument sufficient to demonstrate that the petitioner or its customers will suffer irreparable harm in the absence of the relief requested that outweighs any harm to the

owner and its customers and that the petitioner will likely be successful on the merits of its dispute. The owner may file and serve an answer to the petition within seven days after the petition is filed unless the commission establishes a different deadline for an answer.

(5) An owner may file with the commission and serve on the occupant a petition for authority to remove the occupant's abandoned attachments. The petition must identify the attachments and provide sufficient evidence to demonstrate that the occupant has abandoned those attachments. The occupant must file an answer to the petition within twenty days after the petition is filed unless the commission establishes a different deadline for an answer. If the occupant does not file an answer or otherwise respond to the petition, the commission may authorize the owner to remove the attachments without further proceedings.

NEW SECTION

WAC 480-54-060 Rates. (1) A fair, just, reasonable, and sufficient rate for attachments to or in facilities shall assure the owner the recovery of not less than all the additional costs of procuring and maintaining the attachments, nor more than the actual capital and operating expenses, including just compensation, of the owner attributable to that portion of the facility used for the attachments, including a share of the required support and clearance space, in proportion to the space used for the attachment, as compared to all other uses made of the facility, and uses that remain available to the owner.

(2) The following formula for determining a fair, just, reasonable, and sufficient rate shall apply to attachments to poles:

$$\text{Maximum Rate} = \text{Space Factor} \times \text{Net Cost of a Bare Pole} \times \text{Carrying Charge Rate}$$

$$\text{Where Space Factor} = \frac{\text{Occupied Space}}{\text{Total Usable Space}}$$

(3) The following formula for determining a fair, just, reasonable, and sufficient rate shall apply to attachments to ducts or conduits:

$$\text{Maximum Rate per Linear ft./m.} = \left[\frac{1}{\text{Number of Ducts}} \times \frac{1 \text{ Duct}}{\text{Number of Inner Ducts}} \right] \times \left[\text{Number of Ducts} \times \frac{\text{Net Conduit Investment}}{\text{System Duct Length (ft./m.)}} \right] \times \text{Carrying Charge Rate}$$

(Percentage of Conduit Capacity) (Net Linear Cost of a Conduit)

simplified as:

$$\text{Maximum Rate per Linear ft./m.} = \left[\frac{1 \text{ Duct}}{\text{Number of Inner Ducts}} \right] \times \left[\frac{\text{Net Conduit Investment}}{\text{System Duct Length (ft./m.)}} \right] \times \text{Carrying Charge Rate}$$

If no inner duct or only a single inner duct is installed, the fraction "1 Duct divided by the Number of Inner Ducts" is presumed to be 1/2.

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 480-54-070 Complaint. (1) Whenever the commission shall find, after hearing had upon complaint by a licensee or by a utility, that the rates, terms, or conditions demanded, exacted, charged, or collected by any owner in connection with attachments to its facilities are not fair, just, and reasonable, or by an owner that the rates or charges are insufficient to yield a reasonable compensation for the attachment, the commission will determine the fair, just, reasonable, and sufficient rates, terms, and conditions thereafter to be observed and in force and fix the same by final order entered within three hundred sixty days after the filing of the complaint. The commission will enter an initial order resolving a complaint filed in conformance with this rule within six months of the date the complaint is filed. The commission may extend this deadline for good cause. In determining and fixing the rates, terms, and conditions, the commission will consider the interest of the customers of the licensee or utility, as well as the interest of the customers of the owner. Except as provided in this rule, the commission's procedural rules, chapter 480-07 WAC, govern complaints filed pursuant to this rule.

(2) A utility or licensee may file a formal complaint pursuant to this rule if:

- (a) An owner has denied access to its facilities;
- (b) An owner fails to negotiate in good faith the rates, terms, and conditions of an attachment agreement; or
- (c) The utility or licensee disputes the rates, terms, or conditions in an attachment agreement, the owner's performance under the agreement, or the owner's obligations under the agreement or other applicable law.

(3) An owner may file a formal complaint pursuant to this rule if:

- (a) Another utility or licensee is unlawfully making or maintaining attachments to or in the owner's facilities;
- (b) Another utility or licensee fails to negotiate in good faith the rates, terms, and conditions of an attachment agreement; or
- (c) The owner disputes the rates, terms, or conditions in an attachment agreement, the occupant's performance under the agreement, or the occupant's obligations under the agreement or other applicable law.

(4) The execution of an attachment agreement does not preclude any challenge to the lawfulness or reasonableness of the rates, terms, or conditions in that agreement, provided that one of the following circumstances exists:

- (a) The parties made good faith efforts to negotiate the disputed rates, terms, or conditions prior to executing the agreement but were unable to resolve the dispute despite those efforts, and such challenge is brought within six months from the agreement execution date; or
- (b) The party challenging the rate, term, or condition was reasonably unaware of the other party's interpretation of that rate, term, or condition when the agreement was executed.

(5) A complaint authorized under this section must contain the following:

- (a) A statement, including specific facts, demonstrating that the complainant engaged or reasonably attempted to

engage in good faith, executive-level negotiations to resolve the disputed issues raised in the complaint and that the parties failed to resolve those issues despite those efforts; such negotiations must include the exchange of reasonably relevant information necessary to resolve the dispute including, but not limited to, the information required to calculate rates in compliance with WAC 480-54-060;

(b) Identification of all actions, rates, terms, and conditions alleged to be unjust, unfair, unreasonable, insufficient, or otherwise contrary to applicable law;

(c) Sufficient data or other factual information and legal argument to support the allegations to the extent that the complainant possesses such factual information; and

(d) A copy of the attachment agreement, if any, between the parties.

(6) The commission will issue a notice of prehearing conference within five business days after the complaint is filed. The party complained against must answer the complaint within ten business days from the date the commission serves the complaint. The answer must respond to each allegation in the complaint with sufficient data or other factual information and legal argument to support that response to the extent the respondent possesses such factual information.

(7) A licensee or utility has the burden to prove its right to attach to or in the owner's facilities and that any attachment requirement, term, or condition an owner imposes or seeks to impose that the licensee or utility challenges violates any provision of chapter 80.54 RCW, this chapter, or other applicable law. An owner bears the burden to prove that the attachment rates it charges or proposes to charge are fair, just, reasonable, and sufficient or that the owner's denial of access to its facilities is lawful and reasonable.

(8) If the commission determines that a rate, term, or condition complained of is not fair, just, reasonable, and sufficient, the commission may prescribe a rate, term, or condition that is fair, just, reasonable, and sufficient. The commission may require the inclusion of that rate, term, or condition in an attachment agreement and to the extent authorized by applicable law, may order a refund or payment of the difference between any rate the commission prescribes and the rate that was previously charged during the time the owner was charging the rate after the effective date of this rule.

(9) If the commission determines that an owner has unlawfully or unreasonably denied or delayed access to a facility, the commission may order the owner to provide access to that facility within a reasonable time frame and in accordance with fair, just, reasonable, and sufficient rates, terms, and conditions.

(10) Nothing in this section precludes an owner or occupant from bringing any other complaint that is otherwise authorized under applicable law.

WSR 15-15-171**PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed July 22, 2015, 9:29 a.m.]

Continuance of WSR 15-12-065.

Preproposal statement of inquiry was filed as WSR 15-04-127.

Title of Rule and Other Identifying Information: WAC 16-301-490 through 16-301-580, crucifer seed quarantine.

Date of Intended Adoption: September 11, 2015.

Submit Written Comments to: Teresa Norman, P.O. Box 42560, Olympia, WA 98504-2560, e-mail WSDARulesComments@agr.wa.gov, fax (360) 902-2092.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amending the crucifer quarantine under chapter 16-301 WAC.

Reasons Supporting Proposal: A public hearing was held on July 7, 2015. Stakeholders requested amendments and an additional hearing, which will be scheduled at a later date.

Statutory Authority for Adoption: RCW 15.49.005, 17.24.041, and chapter 34.05 RCW.

Statute Being Implemented: Chapters 15.49 and 17.24 RCW.

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

Name of Proponent: Columbia Basin Vegetable Seed Association; Columbia Basin Vegetable Seed Field Representatives Association, private.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Victor Shaul, Yakima, (509) 249-6955.

No small business economic impact statement has been prepared under chapter 19.85 RCW. A small business economic impact statement was not prepared as this proposal will not create significant additional costs to industry.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state department of agriculture is not a listed agency in RCW 34.05.328 (5)(a)(i).

July 22, 2015
Brad J. Avy
Assistant Director

WSR 15-15-173
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed July 22, 2015, 10:24 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-04-066.

Title of Rule and Other Identifying Information: WAC 458-20-258 Travel agents and tour operators (Rule 258), describes the business and occupation (B&O), retail sales, and use tax responsibilities of persons providing travel agent and/or tour operator services. A travel business may include both travel agent and tour operator activities.

Hearing Location(s): Capital Plaza Building, Fourth Floor Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on August 26, 2015, at 10:00 a.m. Copies of draft rules are available for viewing and printing on our web site at Rules Agenda.

Call-in option can be provided upon request no later than three days before the hearing date.

Date of Intended Adoption: September 2, 2015.

Submit Written Comments to: Mark Bohe, Department of Revenue, Interpretations and Technical Advice Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov, by August 26, 2015, at noon.

Assistance for Persons with Disabilities: Contact Mary Carol LaPalm, (360) 725-7499, or Renee Cosare, (360) 725-7514, no later than ten days before the hearing date. For hearing impaired please contact us via the Washington relay operator at (800) 833-6384.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Rule 258 is being amended to:

- Update the rule to reflect the identical tax rates for B&O tax applied to travel agents and tour operators;
- Add clarifying examples for the taxation of income and sale or use of tangible personal property;
- Add clarifying examples for determining appropriate B&O tax classifications;
- Add definition regarding day trips for sight-seeing purposes; and
- Add clarifying language throughout the rule.

Reasons Supporting Proposal: Amendments add updates and clarifying examples to existing rule.

Statutory Authority for Adoption: RCW 82.32.300 and 82.01.060(2).

Statute Being Implemented: RCW 82.04.260, 82.08.020, and 82.12.020.

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

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Mark Bohe, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1574; Implementation: Dylan Waits, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1583; and Enforcement: Alan Lynn, 1025 Union Avenue S.E., Suite #544, Olympia, WA, (360) 534-1599.

No small business economic impact statement has been prepared under chapter 19.85 RCW. The rule(s) do not impose any new performance requirements or administrative burden on any small business not required by statute.

A cost-benefit analysis is not required under RCW 34.05.328. The proposed rules are not significant legislative rules as defined by RCW 34.05.328.

July 22, 2015
Dylan Waits
Rules Coordinator

AMENDATORY SECTION (Amending WSR 90-17-003, filed 8/2/90, effective 9/2/90)

WAC 458-20-258 Travel agents and tour operators.
(1) **Introduction.** This ~~(section describes the business and occupation (B&O) taxation of travel agents and tour operators. Travel agents are taxed at the special travel agent rate under RCW 82.04.260(10). Tour operators are generally taxed under the service or other business classification under RCW 82.04.290. However, the business activities of tour operators may sometimes include activities like those of a~~

travel agent. This section recognizes the overlap of activities and taxes them consistently.

(2) Definitions:

(a) "Commission" means the fee or percentage of the charge or their equivalent, received in the ordinary course of business as compensation for arranging the service. The customer or receiver of the service, not the person receiving the commission, is always responsible for payment of the charge.

(b) "Pass-through expense" means a charge to a tour operator business where the tour operator is acting as an agent of the customer and the customer, not the tour operator, is liable for the charge. The tour operator cannot be primarily or secondarily liable for the charge other than as agent for the customer. See: WAC 458-20-111 Advances and reimbursements.

(c) "Tour operator business" means a business activity of providing directly or through third party providers, transportation, lodging, meals, and other associated services where the tour operator purchases or itself provides any or all of the services offered, and is itself liable for the services purchased.

(d) "Travel agent business" means the business activity of arranging transportation, lodging, meals, or other similar services which are purchased by the customer and where the travel agent or agency merely receives a commission for arranging the service.

(3) Travel agents:

(a) The gross income of a travel agent or a travel agent business is the gross commissions received without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense. It is taxed at the special travel agent rate.

(b) Gross receipts, other than commissions, from other business activities of a travel agent, including activities as a tour operator, are taxed in the appropriate B&O classification, service, retailing, etc., as the case may be.

(4) Tour operators:

(a) The gross income of a tour operator or a tour operator business is the gross commissions received when the activity is that of a travel agent business:

(i) When a tour operator receives commissions from a third party service provider for all or a part of the tour or tour package, the gross income of the business for that travel agent activity is the commissions received.

(b) However, if the activity is that of a tour operator business, receipts are B&O taxable in the service classification without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense; **except**, receipts attributable to pass-through expenses are not included as part of the gross income of the business.

(5) Examples:

(a) A travel agent issues an airplane ticket to a customer. The cost of the ticket is \$250 which is paid by the customer. The travel agent receives \$25 from the airline for providing the service.

(i) The gross income of the business for the travel agent is the \$25 commission received.

(ii) The gross income of the business is taxed at the special travel agent rate.

(b) A tour operator offers a tour costing \$1,500 per person. The tour cost consists of \$800 airfare, \$500 lodging and meals, and \$200 bus transportation. The tour operator has an arrangement with each of the service providers to receive a 10% commission for each service of the tour, which in this case is \$150 (\$80 + \$50 + \$20). The tour operator issues tickets, etc, only when paid by the customer and is not liable for any services reserved but not provided.

(i) The tour operator is engaged in a travel agent activity and the gross income of the business is commissions received, \$150.

(ii) The gross income of the business, \$150, is taxed at the special travel agent rate.

(c) The same facts as in example (b) except that the tour operator has a policy of requiring 10% or \$150 as a down payment with the remaining \$1,350 payable 20 days prior to departure with 95% refundable up to 10 days prior to departure and nothing refunded after 10 days prior to departure. The customer cancels 15 days prior to departure and is refunded \$1,425 with the tour operator retaining \$75.

(i) The gross income of the tour operator business is the \$75 retained. No amount is attributable to pass-through expense since the tour operator was not obligated to the service provider in the event of cancellation and the tour operator was not acting as the agent of the customer.

(ii) The gross income of the business, \$75, is taxed in the service B&O tax classification.

(d) A tour operator offers a package tour for the Superbowl costing \$800 per person. The tour operator purchases noncancelable rooms in a hotel for \$300 per room for 2 nights, and game tickets which cost \$100 each. The package includes airfare which costs \$200 per person for which the tour operator receives the normal commission of \$20. As an extra feature, the tour operator offers to provide, for an extra cost, special event tickets, if available, at his cost of \$50 each. The tour operator is B&O taxable as follows:

(i) The gross income of the tour operator business is \$600 (\$800 less \$200 airfare). Because the tour operator purchased the rooms and the game tickets in its own name and is liable for the rooms or tickets if not resold, the tour operator is not operating as a travel agent business and is B&O taxable in the service classification. If the tour operator receives a commission on the rooms sold to itself, the activity remains taxable as a tour operator business under the service classification and the commission received is treated as a cost discount, not included in the gross income of the business.

(ii) The \$50 received for the special event ticket is attributable to a pass-through expense and is not included in the gross income of the tour operator business. The special event ticket receipt is attributable to a pass-through expense because the tour operator is acting as an agent for the customer.

(iii) The \$20 received as commission from the sale of the airfare is a travel agent business activity and is included as gross income of a travel agent and taxed at the special travel agent rate)) rule describes the business and occupation (B&O), and retail sales and use tax reporting responsibilities of persons providing travel agent and/or tour operator services. A travel business may include both travel agent and tour operator activities.

(a) **References to related rules.** The department of revenue (department) has adopted other rules that readers may want to refer to:

- (i) WAC 458-20-111 (Advances and reimbursements);
- (ii) WAC 458-20-183 (Amusement, recreation, and physical fitness services);
- (iii) WAC 458-20-19401 (Minimum nexus thresholds for apportionable activities); and
- (iv) WAC 458-20-19402 (Single factor receipts apportionment—Generally).

(b) **Rule examples.** This rule includes a number of examples that identify a set of facts and then state a conclusion. These examples are only a general guide. The department will evaluate each case on its particular facts and circumstances and apply both this rule and other statutory and common law authority.

(2) **Travel agents.**

(a) **Definitions. For purposes of this rule:**

(i) A "travel agent" is a person engaging in the business activity of arranging travel including, but not limited to, transportation, lodging, meals, or other similar service that is purchased by the customer from the service provider and where the travel agent merely receives a commission for arranging the customer's service.

(ii) A "commission" is the fee or percentage of the price charged by a service provider to a customer that the travel agent receives from the service provider as compensation for arranging the purchase of the service by the customer. Commission also includes any additional fee charged by the travel agent to the customer that the travel agent receives as compensation for arranging the purchase of the service by the customer.

(b) **Taxability of income.**

Travel agent services. The gross income for engaging in business as a travel agent is the commissions received, which is subject to the travel agent/tour operator B&O tax classification. The gross amount of the commissions is taxable, without any deduction for the cost of materials used, labor costs, interest, discount, delivery cost, taxes, losses, or any other expense.

Example 1: Travel Agent books an airplane ticket for Jane in Jane's name. The cost of the ticket is \$250, which is paid by Jane. Travel Agent receives \$25 from the airline for providing the service. Travel Agent is at no time personally liable for the ticket price. The \$25 commission received by Travel Agent is subject to the travel agent/tour operator B&O tax classification.

(c) **Other income.** Income from other business activities is subject to tax under the appropriate B&O tax classification, such as service and other business activities B&O tax classification or retailing B&O tax classification, as the case may be. If the sale is a retail sale, retail sales tax must be collected unless the sale is specifically exempt by law. See subsection (3) of this rule for an explanation of the taxability of tour operator activities and subsection (4) of this rule for an explanation of the taxability of other potential income generating activities.

(d) **Taxability of purchases.** A travel agent is the consumer of tangible personal property or retail services the travel agent purchases and/or uses in providing travel agent

services. If the travel agent does not pay retail sales tax to the seller of the property or services, the travel agent must remit retail sales (commonly referred to as "deferred sales tax") or use tax directly to the department.

Example 2: TTT Travel Services has a booking arrangement with its charter air and bus transportation service providers, under which TTT receives from the providers 10% of the selling price of each ticket sold. TTT charges its customers the face value of each ticket sold. Thus, if TTT:

(i) In its capacity as agent for Susan Smith, arranges the purchase of Susan's air transportation from XY Airlines for \$500, the \$50 TTT receives from XY Airlines is considered commission income subject to the travel agent/tour operator B&O tax classification.

(ii) Has a policy requiring customers to pay a 10% non-refundable down payment for a tour, with the remaining balance due 15 days before departure. If a customer fails to pay the remaining balance or cancels the tour, TTT retains the 10% down payment. Any down payment retained by TTT is included in the gross income of the business and subject to the travel agent/tour operator B&O tax classification.

Example 3: SSS Travel Services offers a Washington state tour. The tour package consists of lodging and bus transportation services, which are reserved by SSS but SSS has no liability for any lodging or bus tickets not sold by SSS to customers.

SSS sells a tour package to Jane, and also arranges air transportation to the site where the tour begins. Jane pays \$300 for the airline ticket and SSS receives a \$30 fee (10% of the airfare) from the airline for booking the flight. Further, SSS collects \$600 from Jane for the lodging, only paying \$500 over to the lodging providers and collects \$400 for the bus transportation but only pays over to the transportation providers \$360.

SSS's gross income from travel agent/tour operator activities is \$170, which is subject to the travel agent/tour operator B&O tax classification. This total of \$170 income consists of the \$30 commission from the airline, \$100 retained from the sale of the lodging, \$40 retained from the sale of the bus transportation.

(3) **Tour operators.**

(a) **Definitions.**

(i) A "tour operator" is a person engaging in the business activity of providing tours directly or through third-party providers including, but not limited to, transportation, lodging, meals and other associated services that are purchased by the customer. The tour operator generally either purchases or provides some or all of the services offered, and is itself liable for the payment of the services purchased.

(ii) "Day trips for sightseeing purposes" is a business activity of providing directly or through third-party providers, sight-seeing tours lasting less than twenty-four hours to consumers. Day trips for sightseeing purposes are taxable as "amusement and recreation services" subject to the retailing B&O tax classification and retail sales tax as provided in RCW 82.04.050 (15)(a) and 82.08.020, respectively. Information regarding amusement and recreation services is provided in WAC 458-20-183.

(iii) A "pass-through expense" is an amount received by a tour operator from a customer where the tour operator is

acting as agent of the customer in purchasing services from a service provider. The customer, not the tour operator is liable for payment of the service provider's charge. The tour operator cannot be primarily or secondarily liable for the charge, other than as agent for the customer. Information regarding advances and reimbursements is provided in WAC 458-20-111.

(b) Taxability of income.

Tour operator services. The gross income received for engaging in business as a tour operator is subject to the travel agent/tour operator B&O tax classification. There is no deduction allowed for the cost of materials used, labor costs, discounts, taxes, losses, or any other expense to the tour operator. Amounts received from the customer for pass-through expenses are not included as a part of gross income.

Example 4: TTT Travel Services offers a Washington state tour priced at \$1,500. The tour package consists of air transportation, lodging, and bus transportation. TTT is liable for paying the service providers, even if a customer fails to pay TTT for a reserved tour. The gross income of the business is the total tour sales price received, \$1,500, subject to the travel agent/tour operator B&O tax classification.

(c) Other income. Income from other business activities is subject to tax under the appropriate B&O classification, such as service and other business activities classification or retailing classification, as the case may be. If the sale is a retail sale, retail sales tax must be collected unless specifically exempt by law. See subsection (2) of this rule for an explanation of the taxability of travel agent activities and subsection (4) of this rule for an explanation of the taxability of other potential income-generating activities.

(d) Taxability of purchases. A tour operator is the consumer of tangible personal property or retail services the tour operator purchases and/or uses in a tour operator's business. If the tour operator does not pay retail sales tax to the seller of the property or services, the tour operator must remit retail sales (commonly referred to as "deferred sales tax") or use tax directly to the department.

(4) Taxability of other income. A travel agent or tour operator may derive income from business activities other than as a travel agent or tour operator. The gross income from these other business activities is subject to other B&O tax classifications and retail sales tax, as provided by law.

Examples of other income that a travel agent or tour operator may receive include:

(a) Sales of tangible personal property, such as a gift or merchandise to customers. Gross proceeds from these sales are subject to retailing B&O tax classification and the travel agent/tour operator must collect and remit retail sales tax, unless specifically exempt by law.

(b) Management, financial, and administrative services provided to an affiliated company. Gross income from these activities is subject to the service and other business activities B&O tax classification, even if the affiliated company is engaged in business as a travel agent or tour operator.

(c) Incentive payments or other referral fees. Gross income from the activities of making referrals for other providers or of using products or services of other providers is subject to the service and other business activities B&O tax

classification. This includes payments to travel agents from businesses providing centralized computer distribution system services used to store and retrieve information and conduct transactions related to travel services provided by hotels, airlines, rental car companies, and other travel-service providers.

Example 5: TTT Travel Services (TTT) is hired to purchase an airline ticket for a customer. TTT uses Centralized Computer Distribution Services (CCDS) to purchase the airline ticket from Airways Company. Airways Company pays CCDS a commission for booking the airline ticket. CCDS then pays TTT a fee for TTT using its computerized booking services. The fee to TTT is based on a percentage of the commission CCDS received from Airways Company. The fee received by TTT from CCDS is subject to the service and other business activities B&O tax classification.

Example 6: TTT Travel Services (TTT) is hired to book an airline ticket for a customer. After locating an XY Airlines flight the customer wants, TTT purchases the ticket in the name of the customer. XY Airlines agrees that TTT has no liability to pay for the flight and that the customer alone is liable to pay for the flight. The customer agrees that TTT has no liability for providing the purchased service and the customer will not be entitled to a refund from TTT if the flight is canceled. In these circumstances, TTT may exclude the amount for its customer. However, if TTT Travel provided XY Airlines with a guarantee of payment, then TTT would have a secondary liability to pay for the ticket and would not be entitled to exclude the amount from gross income.

TTT must include as gross income all commission income received from XY Airlines, the service provider, for booking the air transportation, whether paid by the customer or the service provider. Any additional fees for other activities are subject to the service and other business activities B&O tax classification.

Example 7: TTT Travel Services (TTT) offers a Washington state tour priced at \$1,500. The tour package consists of air transportation, lodging, and bus transportation. TTT is liable for paying the service providers, even if a customer fails to pay TTT for a reserved tour. The gross income of the business is the total tour sales price received, \$1,500, subject to the travel agent/tour operator B&O tax classification.

Example 8: TTT has a policy requiring customers to pay a 10% nonrefundable down payment for a tour, with the remaining balance due 15 days before the departure. If a customer fails to pay the remaining balance or cancels the tour, TTT retains the 10% down payment. Any down payment retained by TTT is included in the gross income of the business and subject to the travel agent/tour operator B&O tax classification.

Example 9: SSS Travel Services (SSS) offers a tour package and also arranges transportation to the site where the tour begins. The tour package includes \$300 airline ticket, \$600 lodging and \$400 bus transportation. SSS secondarily guarantees only the airline payment. SSS's gross income from the air fare is \$300. If SSS purchases the lodging from Great Hotels to sell in its tour packages, it will include in gross income the price of the lodging purchased from Great Hotels that it resells to its tour package customers.

(5) Apportionment. Persons engaged in business as a travel agent or tour operator both inside and outside the state may be eligible to apportion gross income reportable under the "travel agent/tour operator" B&O tax classification. WAC 458-20-19401 and 458-20-19402 provide guidance on apportionment methods that may be appropriate for a travel agent or tour operator that has substantial nexus with other states.

WSR 15-15-174

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 15-02—Filed July 22, 2015, 10:25 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 15-12-114.

Title of Rule and Other Identifying Information: Chapter 173-224 WAC, Wastewater discharge permit fees.

Hearing Location(s): Lacey - Ecology Headquarters Building, 300 Desmond Drive, Room ROA-36; Bellevue - Ecology Northwest Regional Office, 3190 160th Avenue S.E., Room 1C; Spokane - Ecology Eastern Regional Office, 4601 North Monroe Street, Room 1-NW-18; Union Gap - Ecology Central Regional Office, 1250 West Alder Street, Room 102-A-VC, on August 31, 2015, at 1:30 p.m.

Date of Intended Adoption: November 18, 2015.

Submit Written Comments to: Bev Poston, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, e-mail bev.poston@ecy.wa.gov, fax (360) 407-7151, by September 9, 2015.

Assistance for Persons with Disabilities: Contact ecology water quality program by August 12, 2015, TTY (877) 833-6341 or (360) 407-6600.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To increase annual permit fees for the following fee types by 5.31 percent for state fiscal year (FY) 2016 and 5.27 percent for state FY 2017: Aluminum alloys, aluminum and magnesium reduction mills, aluminum forming, aggregate production - individual and general permits, aquatic pest control, boatyards - individual and general permits, coal mining and preparation, concentrated animal feeding operations, dairies, iron and steel, metal finishing, nonferrous metals forming, ore mining, private and state-owned facilities, shipyards, stormwater construction - individual and general permits, stormwater industrial - individual and general permits, and stormwater municipal Phase 1 and 2 permits.

To increase annual permit fees for the following fee types by 3.25 percent for state FY 2016 and 3.21 percent for state FY 2017: Aquaculture, combined industrial waste treatment, combined food processing waste treatment, combined sewer overflow system, commercial laundry, crop preparing - individual and general permits, facilities not otherwise classified - individual and general permits, flavor extraction, food processing, fuel and chemical storage, hazardous waste cleanup sites, ink formulation and printing, inorganic chemicals manufacturing, noncontact cooling water with additives - individual and general permits, noncontact cooling

water without additives - individual and general permits, organic chemical manufacturing, petroleum refining, photofinishers, power and/or steam plants, pulp, paper and paperboard, radioactive effluents and discharges, RCRA corrective action sites, seafood processing, solid waste sites, textile mills, timber products, vegetable/bulb washing facilities, vehicle maintenance and freight transfer, water plants - individual and general permits, and wineries - individual permits.

Ecology is also adding three new fee categories that will include bridge washing, in-water vessel deconstruction, and wineries - general permit coverage.

King County department of natural resources wastewater treatment will have fees increased by 4.22 percent for state FY 2016 and 4.19 percent for state FY 2017.

Statutory Authority for Adoption: RCW 90.48.465 Water pollution control.

Statute Being Implemented: Chapter 90.48 RCW, Water pollution control.

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

Name of Proponent: Washington state department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Bev Poston, 300 Desmond Drive, Lacey, WA, (360) 407-6425; Implementation and Enforcement: Don Seeberger, 300 Desmond Drive, Lacey, WA, (360) 407-6489.

A small business economic impact statement has been prepared under chapter 19.85 RCW.

Small Business Economic Impact Statement

Executive Summary: Based on research and analysis required by the Regulatory Fairness Act (RFA), RCW 19.85.070, ecology has determined that the proposed rule, wastewater discharge permit fees (chapter 173-224 WAC) may have disproportionate impacts on small businesses. The RFA directs ecology to determine if there is likely to be disproportionate impact, and if legal and feasible, reduce this disproportionate impact.

The small business economic impact statement (SBEIS) is intended to be read with the associated cost-benefit analysis (Ecology publication # 15-10-030), which contains more in-depth discussion of the analysis.

This rule establishes a revised fee system for state waste discharge and nation [national] pollutant discharge elimination system (NPDES) permits issued by ecology pursuant to RCW 90.48.160, 90.48.162, or 90.48.260. RCW 90.48.465 authorizes the department to base fees on factors related to the complexity of permit issuance and compliance and to charge fees to fully recover, but not exceed the costs of the permit program.

Though many of the permitted categories have more than one fee level, these breakpoints are based on the scope and scale of the permitted activity, NOT the size of the business conducting the activity. Inherently, these constant values divided by a smaller number of employees (fewer than fifty) will result in a larger cost-to-employee ratio than if divided by a larger number of employees (greater than fifty).

The permit fee regulation contains language that helps mitigate the impact of fees on small businesses.

Section 1: Background and Introduction.

1.1 Introduction: Based on research and analysis required by the RFA, RCW 19.85.070, ecology has determined that the proposed rule, wastewater discharge permit fees (chapter 173-224 WAC) may have disproportionate impacts on small businesses. The RFA directs ecology to determine if there is likely to be disproportionate impact, and if legal and feasible, reduce this disproportionate impact.

The SBEIS is intended to be read with the associated cost-benefit analysis (Ecology publication # 15-10-030), which contains more indepth discussion of the analysis.

1.2 Description of the Proposed Rule: This rule establishes a revised fee system for state waste discharge and NPDES permits issued by ecology.

1.3 Reasons for the Proposed Rule: The purpose of this rule is to establish a fee system for state waste discharge and NPDES permits issued by ecology pursuant to RCW 90.48.-160, 90.48.162, or 90.48.260. RCW 90.48.465 authorizes the department to base fees on factors related to the complexity of permit issuance and compliance and to charge fees to fully recover, but not exceed the costs of the permit program.

1.4 History and Rule Development: The department of ecology has been issuing federal NPDES permits and state waste discharge permits since the 1970s. The permit program was initially funded out of state general fund monies. Ecology amended permit fees to reflect the biennial budget appropriation set by the Washington state legislature. However, in 1988, Initiative 97 was passed by Washington state voters mandating that ecology create a fee program for issuing and administering wastewater discharge permits. At that time, the fee program was structured around individual major industrial and municipal wastewater permits.

The wastewater permit fee portion of Initiative 97 was later codified as RCW 90.48.465 Water discharge fees. The language in the law instructed ecology to establish fees in amounts to fully recover, and not to exceed, expenses incurred by the department in:

- Processing permit applications and modifications.
- Monitoring and evaluating compliance with permits.
- Conducting inspections.
- Securing laboratory analysis of samples taken during inspections.
- Reviewing plans and documents directly related to operations of permittees.
- Overseeing performance of delegated pretreatment programs.
- Supporting the overhead expenses that are directly related to these activities.

The Washington state legislature has amended the authorizing statute resulting in inequities between fee categories because ecology has not been allowed to establish fee amounts based on true costs for issuing and managing some fee types.

Inequities created within the law include:

- Capping fees for municipal publicly-owned treatment works;
- Establishing and capping fees for dairies;
- Setting base fees for certain aquatic pest control permits;

- Requiring ecology to mitigate impacts of fees for small business.

Further inequities were established when Initiative 601 was passed in 1993 by Washington state voters. This initiative created a calculation that allows the Washington state expenditure limit committee to determine the percentage rate that state fee programs could increase their fees. This rate typically averages between three and five percent per year ¹. These limited fee increases have not allowed ecology to increase fees for those fee types whose revenues are less than what it costs to manage their permits. In order to fund as much of the permit program as possible, ecology increased fees for all permit fee types by the fiscal growth factor limits. In addition, permits have become more complex and the permit program became federally required to issue and manage permits for industrial and construction stormwater discharges.

¹ <http://www.elc.wa.gov/sub/fgf.asp>

Between the inequities established in the law and ecology only being able to apply the fiscal growth factor rate increase for all permit types, some fee category types became overpayers, meaning the fees they pay are greater than the costs of managing their permits. This money subsidizes ecology's costs to manage permits for underpaying fee types. As a result of this, overpayer fee types have requested ecology to eliminate the subsidy and have all permit fee types pay their own costs.

To begin addressing the subsidy issue, ecology is proposing the current fee structure. The overall program costs would not exceed the state fiscal growth factor increases for state FY 2016 and 2017 (July 1, 2015, through June 30, 2017). However, for those permittees:

1. That are currently overpaying, the fee increase proposed would be below the fiscal growth factor.
2. That are currently underpaying, the fee increase proposed would be above the fiscal growth factor.

Section 2: Analysis of Compliance Costs for Washington Businesses.

2.1 Introduction: We analyzed the impacts of the proposed rule relative to the baseline of the existing fees, within the context of all existing requirements (federal and state laws and rules). This context for comparison is called the baseline, and reflects the most likely fees that wastewater discharge permittees would face if the proposed rule were not adopted. It is discussed in detail in Section 2.2, below.

2.2 Baseline: The regulatory baseline is the way permit fees would be calculated if the proposed rule is not adopted.

Under the current law, (RCW 90.48.465 Water pollution control), ecology is required to set, by rule, fees that would fund the program. Without the adoption of the proposed rule, fees would remain at their previously set levels.

2.3 Proposed rule amendments: The office of financial management (OFM) fund balance sheet for Fund 176 - Water quality permit fees contains fiscal growth factor increases for fees totaling 4.22 percent for state FY 2016 and 4.19 percent for state FY 2017.

To continue addressing the inequities between fee payers and recover the monies needed to fund the program for 2015-

2017 biennium, ecology is using its legislative authority for increasing fees by proposing the following:

1. Increase fees for the following fee types (overpaying fee payers) by:

3.25 percent for FY 2016.

3.21 percent for FY 2017.

These fee types include:

- Aquaculture.
- Combined industrial waste treatment.
- Combined food processing waste treatment.
- Combined sewer overflow system.
- Commercial laundry.
- Crop preparing—Individual and general permits.
- Facilities not otherwise classified—Individual and general permits.
- Flavor extraction.
- Food processing.
- Fuel and chemical storage.
- Hazardous waste cleanup sites.
- Ink formulation and printing.
- Inorganic chemicals manufacturing.
- Noncontact cooling water with additives—Individual and general permits.
- Noncontact cooling water without additives—Individual and general permits.
- Organic chemical manufacturing.
- Petroleum refining.
- Photofinishers.
- Power and/or steam plants.
- Pulp, paper, and paperboard.
- Radioactive effluents and discharges.
- RCRA corrective action sites.
- Seafood processing.
- Solid waste sites.
- Textile mills.
- Timber products.
- Vegetable/bulb washing facilities.
- Vehicle maintenance and freight transfer.
- Water plants—Individual and general permits.
- Wineries.

2. Increase fees for the following fee types (underpaying fee payers) by:

5.31 percent for FY 2016.

5.27 percent for FY 2017.

These fee types include:

- Aluminum alloys.
- Aluminum and magnesium reduction mills.
- Aluminum forming.
- Aggregate production—Individual and general permits.
- Aquatic pest control.
- Boatyards—Individual and general permits.
- Coal mining and preparation.
- Concentrated animal feeding operations.
- Dairies.
- Iron and steel.
- Metal finishing.
- Nonferrous metals forming.
- Ore mining.
- Private and state-owned facilities.

- Shipyards.
- Stormwater construction individual and general permits.
- Stormwater industrial individual and general permits.
- Stormwater municipal Phase 1 and 2 permits.

3. Increase fees for municipalities for domestic wastewater facilities with greater than two hundred fifty thousand residential equivalents (RE) by:

- Twelve cents per RE in 2016.
- Fourteen cents per RE in 2017.

4. Create new fee categories for wineries under general permit, in-water vessel deconstruction, and bridge washing.

2.4 Fees: The proposed rule sets permit fee increases for FY 2016 and FY 2017 of:

- 3.25 percent for FY 2016 and 3.21 percent for FY 2017 for overpaying permit categories.
- 5.31 percent for FY 2016 and 5.27 percent for FY 2017 for underpaying permit categories.
- Twelve-cent per RE for FY 2016 and fourteen-cent (overall) per RE for FY 2017 for municipalities discharging domestic wastewater in excess of two hundred fifty thousand REs.
- New fee categories for winery general permits, in-water vessel deconstruction, and bridge washing.

Section 3: Quantification of Cost Ratios.

3.1 Introduction: The costs attributable to the proposed rule are the increase in fees for permittees.

3.2 Affected Businesses: Ecology currently manages nearly five thousand six hundred permits in the various categories. Each of the permitted businesses would be impacted by the rule.

There is one municipality to which the wastewater fee increases apply, but this analysis under the RFA does not cover impacts to public entities.

The in-water vessel deconstruction, bridge washing, and winery general permits are new permits that have no current permittees or have not yet been issued. There are no businesses currently covered by them that would experience a fee increase as the new categories. Moreover, bridge washing will only apply to municipalities (not covered under the RFA), and many existing wineries are covered by individual permits, and would experience the increase resulting from the broad fee increases under this rule making (unless it later chose to switch to a less burdensome general permit, as a cost-savings).

This analysis, therefore, only addresses the five thousand six hundred permits with fee changes as described in #1 and #2 in Section 2.3, above.

3.3 Cost-to-employee Ratios: Though many of the permitted categories have more than one fee level, these breakpoints are based on the scope and scale of the permitted activity, NOT the size of the business conducting the activity. While it is often the case that smaller businesses conduct smaller permitted activities and larger businesses conduct larger activities, this is far from universal and the opposite may also be the case. For this reason, permit fees were treated as constant in terms of the number of employees a business has.

Inherently, these constant values divided by a smaller number of employees (fewer than fifty) will result in a larger cost-to-employee ratio than if divided by a larger number of employees (greater than fifty).

Therefore, the proposed rule may have disproportionate impacts on small businesses.

Section 4: Actions Taken to Reduce the Impact of the Rule on Small Businesses: The permit fee regulation contains language that helps mitigate the impact of fees on small businesses.

WAC 173-224-090 allows business [businesses] to have their annual fee reduced by fifty percent if they meet the following criteria:

- (a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;
- (b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company);
- (c) Have annual sales of one million dollars or less of the goods or services produced using the processes regulated by the permit; and
- (d) Have an original annual fee assessment totaling five hundred dollars or greater.

Extreme Hardship Fee Reductions: Any industrial or construction small business with annual gross revenue totaling one hundred thousand dollars or less of the goods or services produced using the processes regulated by the permit may apply for an extreme hardship fee reduction. If granted, the annual fee is reduced to a flat rate totaling \$128.00.

Section 5: The Involvement of Small Businesses and Local Government in the Development of the Proposed Rule: When the fee regulation was first developed, an advisory committee consisting of representatives of large and small business, state and federal government agencies, municipalities, and environmental groups assisted ecology in establishing fee category types and fee amounts. In addition, they provided input on how ecology could mitigate the fees for small business by allowing small business or extreme hardship fee reductions.

Ecology has continued to work with this committee now called the "water quality partnership" and meets when needed to discuss not only proposed fee rule amendments, but other issues surrounding the permit programs. Ecology met with the partnership prior to the filing of the CR-101 for this rule amendment.

Ecology also has a very intense public involvement process which allows permit holders consisting of large and small business [businesses], municipalities, state and federal governments, and the tribes to provide comments on any amendments being proposed to the fee rule.

Section 6: The SIC Codes of Impacted Industries: The SIC (standard industry classification) system has long

been replaced by the North American Industry Classification System (NAICS). The proposed rule will impact the following industries:

1114	1121	1125	1151	2121	2122
2211	2213	311X	3121	3132	3133
3221	3241	325X	3311	3313	3366
4239	4841	5621	5622	8123	8129

Section 7: Impacts on Jobs: We used OFM's 2002 Washington input-output model (OFM-IO) to estimate the proposed rule's first-round impact on jobs across the state. This methodology estimates the impact as reductions or increases in spending in certain sectors of the state economy flow through to purchases, suppliers, and demand for other goods. Compliance costs incurred by an industry are entered in the OFM-IO model as a decrease in spending and investment. If that money is spent in another industry (in this case, it is in part spent on laboratory analysis), it is entered in the model as an increase in production.

We estimated that there would be a net decrease of twenty-three jobs, statewide over the two years covered by the proposed rule.

A copy of the statement may be obtained by contacting Bev Poston, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6425, fax (360) 407-7151, e-mail bev.poston@ecy.wa.gov.

A cost-benefit analysis is required under RCW 34.05.-328. A preliminary cost-benefit analysis may be obtained by contacting Bev Poston, Department of Ecology, Water Quality Program, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6425, fax (360) 407-7151, e-mail bev.poston@ecy.wa.gov.

July 17, 2015
Polly Zehm
Deputy Director

AMENDATORY SECTION (Amending WSR 13-22-051, filed 11/1/13, effective 12/2/13)

WAC 173-224-040 Permit fee schedule. (1) Application fee. In addition to the annual fee, first time applicants (except those applying for coverage under a general permit) will pay a one time application fee of twenty-five percent of the annual permit fee, or \$250.00, whichever is greater. An application fee will be assessed for RCRA sites regardless of whether a new permit is being issued or an existing permit for other than the discharge resulting from the RCRA corrective action, is being modified.

(2) Industrial facility categories.

INDUSTRIAL FACILITY CATEGORIES	FY ((2014)) 2016	FY ((2015)) 2017
	ANNUAL PERMIT FEE	ANNUAL PERMIT FEE & BEYOND
Aluminum Alloys	\$((16,713.00)) <u>17,600.00</u>	\$((16,713.00)) <u>18,527.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
Aluminum and Magnesium Reduction Mills		
a. NPDES Permit	((98,554.00))	((98,554.00))
	<u>103,786.00</u>	<u>109,254.00</u>
b. State Permit	((49,279.00))	((49,279.00))
	<u>51,895.00</u>	<u>54,629.00</u>
Aluminum Forming	((50,136.00))	((50,136.00))
	<u>52,798.00</u>	<u>55,580.00</u>
Aggregate Production - Individual Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	((2,876.00))	((2,876.00))
	<u>3,029.00</u>	<u>3,189.00</u>
2. Nonoperating aggregate site (fee per site)	((118.00))	((118.00))
	<u>124.00</u>	<u>131.00</u>
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	((1,198.00))	((1,198.00))
	<u>1,262.00</u>	<u>1,328.00</u>
2. 50,000 - < 300,000 tons/yr.	((2,877.00))	((2,877.00))
	<u>3,030.00</u>	<u>3,190.00</u>
3. 300,000 tons/yr. and greater	((3,598.00))	((3,598.00))
	<u>3,789.00</u>	<u>3,989.00</u>
c. Concrete Production		
1. 0 - < 25,000 cu. yds/yr.	((1,198.00))	((1,198.00))
	<u>1,262.00</u>	<u>1,328.00</u>
2. 25,000 - < 200,000 cu. yds/yr.	((2,877.00))	((2,877.00))
	<u>3,030.00</u>	<u>3,190.00</u>
3. 200,000 cu. yds/yr. and greater	((3,598.00))	((3,598.00))
	<u>3,789.00</u>	<u>3,989.00</u>
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.		
d. Portable Operations		
1. Rock Crushing	((2,876.00))	((2,876.00))
	<u>3,029.00</u>	<u>3,189.00</u>
2. Asphalt	((2,876.00))	((2,876.00))
	<u>3,029.00</u>	<u>3,189.00</u>
3. Concrete	((2,876.00))	((2,876.00))
	<u>3,029.00</u>	<u>3,189.00</u>
Aggregate Production - General Permit Coverage		
a. Mining Activities		
1. Mining, screening, washing and/or crushing	((2,012.00))	((2,012.00))
	<u>2,119.00</u>	<u>2,231.00</u>
2. Nonoperating aggregate site (fee per site)	((83.00))	((83.00))
	<u>87.00</u>	<u>92.00</u>
b. Asphalt Production		
1. 0 - < 50,000 tons/yr.	((840.00))	((840.00))
	<u>885.00</u>	<u>932.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
2.	50,000 - < 300,000 tons/yr.	((2,013.00)) <u>2,120.00</u>	((2,013.00)) <u>2,232.00</u>
3.	300,000 tons/yr. and greater	((2,517.00)) <u>2,651.00</u>	((2,517.00)) <u>2,791.00</u>
c. Concrete Production			
1.	0 - < 25,000 cu. yds/yr.	((840.00)) <u>885.00</u>	((840.00)) <u>932.00</u>
2.	25,000 - < 200,000 cu. yds/yr.	((2,013.00)) <u>2,120.00</u>	((2,013.00)) <u>2,232.00</u>
3.	200,000 cu. yds/yr. and greater	((2,517.00)) <u>2,2651.00</u>	((2,517.00)) <u>2,791.00</u>
The fee for a facility in the aggregate production category is the sum of the applicable fees in the mining activities and concrete and asphalt production categories.			
d. Portable Operations			
1.	Rock Crushing	((2,013.00)) <u>2,120.00</u>	((2,013.00)) <u>2,232.00</u>
2.	Asphalt	((2,013.00)) <u>2,120.00</u>	((2,013.00)) <u>2,232.00</u>
3.	Concrete	((2,013.00)) <u>2,120.00</u>	((2,013.00)) <u>2,232.00</u>
Aquaculture			
a.	Finfish hatching and rearing - Individual Permit	((5,012.00)) <u>5,175.00</u>	((5,012.00)) <u>5,341.00</u>
b.	Finfish hatching and rearing - General Permit Coverage	((3,511.00)) <u>3,625.00</u>	((3,511.00)) <u>3,741.00</u>
c.	Shellfish hatching	((190.00)) <u>196.00</u>	((190.00)) <u>202.00</u>
Aquatic Pest Control			
a.	Irrigation Districts	((474.00)) <u>522.00</u>	((496.00)) <u>550.00</u>
b.	Mosquito Control Districts	((474.00)) <u>522.00</u>	((496.00)) <u>550.00</u>
c.	Invasive Moth Control	((474.00)) <u>522.00</u>	((496.00)) <u>550.00</u>
d.	Aquatic Species Control & Eradication	((474.00)) <u>522.00</u>	((496.00)) <u>550.00</u>
e.	Oyster Growers	((474.00)) <u>522.00</u>	((496.00)) <u>550.00</u>
f.	Rotenone Control	((474.00)) <u>522.00</u>	((496.00)) <u>550.00</u>
Boat Yards - Individual Permit Coverage			
a.	With storm water only discharge	((428.00)) <u>451.00</u>	((428.00)) <u>475.00</u>
b.	All others	((856.00)) <u>901.00</u>	((856.00)) <u>948.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
Boat Yards - General Permit Coverage		
a. With storm water only discharge	((373.00))	((390.00))
	<u>411.00</u>	<u>433.00</u>
b. All others	((756.00))	((791.00))
	<u>833.00</u>	<u>877.00</u>
Bridge Washing		
a. <u>Single-site Permit</u>	<u>3,328.00</u>	<u>3,328.00</u>
b. <u>WSDOT Annual Fee</u>	<u>11,061.00</u>	<u>11,061.00</u>
Coal Mining and Preparation		
a. < 200,000 tons per year	((6,680.00))	((6,680.00))
	<u>7,035.00</u>	<u>7,406.00</u>
b. 200,000 - < 500,000 tons per year	((15,042.00))	((15,042.00))
	<u>15,841.00</u>	<u>16,676.00</u>
c. 500,000 - < 1,000,000 tons per year	((26,739.00))	((26,739.00))
	<u>28,159.00</u>	<u>29,643.00</u>
d. 1,000,000 tons per year and greater	((50,136.00))	((50,136.00))
	<u>52,798.00</u>	<u>55,580.00</u>
Combined Industrial Waste Treatment		
a. < 10,000 gpd	((3,342.00))	((3,342.00))
	<u>3,451.00</u>	<u>3,562.00</u>
b. 10,000 - < 50,000 gpd	((8,354.00))	((8,354.00))
	<u>8,626.00</u>	<u>8,903.00</u>
c. 50,000 - < 100,000 gpd	((16,713.00))	((16,713.00))
	<u>17,256.00</u>	<u>17,810.00</u>
d. 100,000 - < 500,000 gpd	((33,422.00))	((33,422.00))
	<u>34,508.00</u>	<u>35,616.00</u>
e. 500,000 gpd and greater	((50,136.00))	((50,136.00))
	<u>51,765.00</u>	<u>53,427.00</u>
Combined Food Processing Waste Treatment Facilities		
	((16,000.00))	((16,000.00))
	<u>16,520.00</u>	<u>17,050.00</u>
Combined Sewer Overflow System		
a. < 50 acres	((3,342.00))	((3,342.00))
	<u>3,451.00</u>	<u>3,562.00</u>
b. 50 - < 100 acres	((8,354.00))	((8,354.00))
	<u>8,626.00</u>	<u>8,903.00</u>
c. 100 - < 500 acres	((10,030.00))	((10,030.00))
	<u>10,356.00</u>	<u>10,688.00</u>
d. 500 acres and greater	((13,368.00))	((13,368.00))
	<u>13,802.00</u>	<u>14,245.00</u>
Commercial Laundry		
	((428.00))	((428.00))
	<u>442.00</u>	<u>456.00</u>
Concentrated Animal Feeding Operation		
a. < 200 Animal Units	((214.00))	((224.00))
	<u>236.00</u>	<u>248.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
b.	200 - < 400 Animal Units	((537.00)) <u>592.00</u>	((562.00)) <u>623.00</u>
c.	400 - < 600 Animal Units	((1,076.00)) <u>1,186.00</u>	((1,126.00)) <u>1,248.00</u>
d.	600 - < 800 Animal Units	((1,612.00)) <u>1,777.00</u>	((1,687.00)) <u>1,871.00</u>
e.	800 Animal Units and greater	((2,153.00)) <u>2,373.00</u>	((2,253.00)) <u>2,498.00</u>
Crop Preparing - Individual Permit Coverage			
a.	0 - < 1,000 bins/yr.	((333.00)) <u>344.00</u>	((333.00)) <u>355.00</u>
b.	1,000 - < 5,000 bins/yr.	((669.00)) <u>691.00</u>	((669.00)) <u>713.00</u>
c.	5,000 - < 10,000 bins/yr.	((1,337.00)) <u>1,380.00</u>	((1,337.00)) <u>1,424.00</u>
d.	10,000 - < 15,000 bins/yr.	((2,676.00)) <u>2,763.00</u>	((2,676.00)) <u>2,852.00</u>
e.	15,000 - < 20,000 bins/yr.	((4,425.00)) <u>4,569.00</u>	((4,425.00)) <u>4,716.00</u>
f.	20,000 - < 25,000 bins/yr.	((6,183.00)) <u>6,384.00</u>	((6,183.00)) <u>6,589.00</u>
g.	25,000 - < 50,000 bins/yr.	((8,271.00)) <u>8,540.00</u>	((8,271.00)) <u>8,814.00</u>
h.	50,000 - < 75,000 bins/yr.	((9,192.00)) <u>9,491.00</u>	((9,192.00)) <u>9,796.00</u>
i.	75,000 - < 100,000 bins/yr.	((10,694.00)) <u>11,042.00</u>	((10,694.00)) <u>11,396.00</u>
j.	100,000 - < 125,000 bins/yr.	((13,368.00)) <u>13,802.00</u>	((13,368.00)) <u>14,245.00</u>
k.	125,000 - < 150,000 bins/yr.	((16,712.00)) <u>17,255.00</u>	((16,712.00)) <u>17,809.00</u>
l.	150,000 bins/yr. and greater	((20,955.00)) <u>20,673.00</u>	((20,955.00)) <u>21,337.00</u>
Crop Preparing - General Permit Coverage			
a.	0 - < 1,000 bins/yr.	((232.00)) <u>240.00</u>	((232.00)) <u>248.00</u>
b.	1,000 - < 5,000 bins/yr.	((468.00)) <u>483.00</u>	((468.00)) <u>499.00</u>
c.	5,000 - < 10,000 bins/yr.	((937.00)) <u>967.00</u>	((937.00)) <u>998.00</u>
d.	10,000 - < 15,000 bins/yr.	((1,873.00)) <u>1,934.00</u>	((1,873.00)) <u>1,996.00</u>
e.	15,000 - < 20,000 bins/yr.	((3,100.00)) <u>3,201.00</u>	((3,100.00)) <u>3,304.00</u>
f.	20,000 - < 25,000 bins/yr.	((4,328.00)) <u>4,469.00</u>	((4,328.00)) <u>4,612.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
g.	25,000 - < 50,000 bins/yr.	((5,788.00)) <u>5,976.00</u>	((5,788.00)) <u>6,168.00</u>
h.	50,000 - < 75,000 bins/yr.	((6,433.00)) <u>6,642.00</u>	((6,433.00)) <u>6,855.00</u>
i.	75,000 - < 100,000 bins/yr.	((7,481.00)) <u>7,724.00</u>	((7,481.00)) <u>7,972.00</u>
j.	100,000 - < 125,000 bins/yr.	((9,360.00)) <u>9,664.00</u>	((9,360.00)) <u>9,974.00</u>
k.	125,000 - < 150,000 bins/yr.	((11,698.00)) <u>12,078.00</u>	((11,698.00)) <u>12,466.00</u>
l.	150,000 bins/yr. and greater	((14,037.00)) <u>14,493.00</u>	((14,037.00)) <u>14,958.00</u>
Dairies \$.50 per Animal Unit not to exceed \$ ((1,506.00)) <u>1,586.00</u> for FY ((2014)) <u>2016</u> and \$ ((1,576.00)) <u>1,670.00</u> for FY ((2015)) <u>2017</u> & beyond			
Facilities Not Otherwise Classified - Individual Permit Coverage			
a.	< 1,000 gpd	((1,671.00)) <u>1,725.00</u>	((1,671.00)) <u>1,780.00</u>
b.	1,000 - < 10,000 gpd	((3,342.00)) <u>3,451.00</u>	((3,342.00)) <u>3,562.00</u>
c.	10,000 - < 50,000 gpd	((8,355.00)) <u>8,627.00</u>	((8,355.00)) <u>8,904.00</u>
d.	50,000 - < 100,000 gpd	((13,368.00)) <u>13,802.00</u>	((13,368.00)) <u>14,245.00</u>
e.	100,000 - < 500,000 gpd	((26,606.00)) <u>27,471.00</u>	((26,606.00)) <u>28,353.00</u>
f.	500,000 - < 1,000,000 gpd	((33,422.00)) <u>34,508.00</u>	((33,422.00)) <u>35,616.00</u>
g.	1,000,000 gpd and greater	((50,135.00)) <u>51,764.00</u>	((50,135.00)) <u>53,426.00</u>
Facilities Not Otherwise Classified - General Permit Coverage			
a.	< 1,000 gpd	((1,172.00)) <u>1,210.00</u>	((1,172.00)) <u>1,249.00</u>
b.	1,000 - < 10,000 gpd	((2,425.00)) <u>2,504.00</u>	((2,425.00)) <u>2,584.00</u>
c.	10,000 - < 50,000 gpd	((5,851.00)) <u>6,041.00</u>	((5,581.00)) <u>6,235.00</u>
d.	50,000 - < 100,000 gpd	((9,360.00)) <u>9,664.00</u>	((9,360.00)) <u>9,974.00</u>
e.	100,000 - < 500,000 gpd	((18,715.00)) <u>19,323.00</u>	((18,715.00)) <u>19,943.00</u>
f.	500,000 - < 1,000,000 gpd	((23,394.00)) <u>24,154.00</u>	((23,394.00)) <u>24,929.00</u>
g.	1,000,000 gpd and greater	((35,095.00)) <u>36,236.00</u>	((35,095.00)) <u>37,399.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
Flavor Extraction		
a. Steam Distillation	((171.00)) <u>177.00</u>	((171.00)) <u>183.00</u>
Food Processing		
a. < 1,000 gpd	((1,670.00)) <u>1,724.00</u>	((1,670.00)) <u>1,779.00</u>
b. 1,000 - < 10,000 gpd	((4,259.00)) <u>4,397.00</u>	((4,259.00)) <u>4,438.00</u>
c. 10,000 - < 50,000 gpd	((7,604.00)) <u>7,851.00</u>	((7,604.00)) <u>8,103.00</u>
d. 50,000 - < 100,000 gpd	((11,948.00)) <u>12,336.00</u>	((11,948.00)) <u>12,732.00</u>
e. 100,000 - < 250,000 gpd	((16,712.00)) <u>17,255.00</u>	((16,712.00)) <u>17,809.00</u>
f. 250,000 - < 500,000 gpd	((21,977.00)) <u>22,691.00</u>	((21,977.00)) <u>23,419.00</u>
g. 500,000 - < 750,000 gpd	((27,572.00)) <u>28,468.00</u>	((27,572.00)) <u>29,382.00</u>
h. 750,000 - < 1,000,000 gpd	((33,422.00)) <u>34,508.00</u>	((33,422.00)) <u>35,616.00</u>
i. 1,000,000 - < 2,500,000 gpd	((41,175.00)) <u>42,513.00</u>	((41,175.00)) <u>43,878.00</u>
j. 2,500,000 - < 5,000,000 gpd	((45,957.00)) <u>47,451.00</u>	((45,957.00)) <u>48,974.00</u>
k. 5,000,000 gpd and greater	((50,136.00)) <u>51,765.00</u>	((50,136.00)) <u>53,427.00</u>
Fuel and Chemical Storage		
a. < 50,000 bbls	((1,671.00)) <u>1,725.00</u>	((1,671.00)) <u>1,780.00</u>
b. 50,000 - < 100,000 bbls	((3,342.00)) <u>3,451.00</u>	((3,342.00)) <u>3,562.00</u>
c. 100,000 - < 500,000 bbls	((8,354.00)) <u>8,626.00</u>	((8,354.00)) <u>8,903.00</u>
d. 500,000 bbls and greater	((16,713.00)) <u>17,256.00</u>	((16,713.00)) <u>17,810.00</u>
Hazardous Waste Clean Up Sites		
a. Leaking Underground Storage Tanks (LUST)		
1. State Permit	((4,383.00)) <u>4,525.00</u>	((4,383.00)) <u>4,670.00</u>
2. NPDES Permit Issued pre 7/1/94	((4,383.00)) <u>4,524.00</u>	((4,383.00)) <u>4,669.00</u>
3. NPDES Permit Issued post 7/1/94	((8,765.00)) <u>8,740.00</u>	((8,765.00)) <u>9,021.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
b.	Non-LUST Sites		
1.	1 or 2 Contaminants of concern	((8,570.00)) <u>8,849.00</u>	((8,570.00)) <u>9,133.00</u>
2.	> 2 Contaminants of concern	((17,140.00)) <u>17,697.00</u>	((17,140.00)) <u>18,265.00</u>
Ink Formulation and Printing			
a.	Commercial Print Shops	((2,571.00)) <u>2,655.00</u>	((2,571.00)) <u>2,740.00</u>
b.	Newspapers	((4,286.00)) <u>4,425.00</u>	((4,286.00)) <u>4,567.00</u>
c.	Box Plants	((6,856.00)) <u>7,079.00</u>	((6,856.00)) <u>7,306.00</u>
d.	Ink Formulation	((8,571.00)) <u>8,850.00</u>	((8,571.00)) <u>9,134.00</u>
Inorganic Chemicals Manufacturing			
a.	Lime Products	((8,354.00)) <u>8,626.00</u>	((8,354.00)) <u>8,903.00</u>
b.	Fertilizer	((10,058.00)) <u>10,385.00</u>	((10,058.00)) <u>10,718.00</u>
c.	Peroxide	((13,368.00)) <u>13,802.00</u>	((13,368.00)) <u>14,245.00</u>
d.	Alkaline Earth Salts	((16,713.00)) <u>17,256.00</u>	((16,713.00)) <u>17,810.00</u>
e.	Metal Salts	((23,393.00)) <u>24,153.00</u>	((23,393.00)) <u>24,928.00</u>
f.	Acid Manufacturing	((33,416.00)) <u>34,223.00</u>	((33,416.00)) <u>35,322.00</u>
g.	Chlor-alkali	((66,846.00)) <u>69,018.00</u>	((66,846.00)) <u>71,233.00</u>
Iron and Steel			
a.	Foundries	((16,713.00)) <u>17,600.00</u>	((16,713.00)) <u>18,527.00</u>
b.	Mills	((33,453.00)) <u>35,229.00</u>	((33,453.00)) <u>37,085.00</u>
Metal Finishing			
a.	< 1,000 gpd	((2,004.00)) <u>2,110.00</u>	((2,004.00)) <u>2,221.00</u>
b.	1,000 - < 10,000 gpd	((3,341.00)) <u>3,518.00</u>	((3,341.00)) <u>3,703.00</u>
c.	10,000 - < 50,000 gpd	((8,353.00)) <u>8,796.00</u>	((8,353.00)) <u>9,259.00</u>
d.	50,000 - < 100,000 gpd	((16,712.00)) <u>17,599.00</u>	((16,712.00)) <u>18,526.00</u>
e.	100,000 - < 500,000 gpd	((33,420.00)) <u>35,194.00</u>	((33,420.00)) <u>37,048.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
f.	500,000 gpd and greater	((50,133.00)) <u>52,794.00</u>	((50,133.00)) <u>55,575.00</u>
Noncontact Cooling Water With Additives - Individual Permit Coverage			
a.	< 1,000 gpd	((1,046.00)) <u>1,080.00</u>	((1,046.00)) <u>1,115.00</u>
b.	1,000 - < 10,000 gpd	((1,459.00)) <u>1,506.00</u>	((1,459.00)) <u>1,554.00</u>
c.	10,000 - < 50,000 gpd	((3,136.00)) <u>3,238.00</u>	((3,136.00)) <u>3,342.00</u>
d.	50,000 - < 100,000 gpd	((7,314.00)) <u>7,552.00</u>	((7,314.00)) <u>7,794.00</u>
e.	100,000 - < 500,000 gpd	((12,531.00)) <u>12,938.00</u>	((12,531.00)) <u>13,353.00</u>
f.	500,000 - < 1,000,000 gpd	((17,758.00)) <u>18,335.00</u>	((17,758.00)) <u>18,924.00</u>
g.	1,000,000 - < 2,500,000 gpd	((22,982.00)) <u>23,729.00</u>	((22,982.00)) <u>24,491.00</u>
h.	2,500,000 - < 5,000,000 gpd	((28,082.00)) <u>28,995.00</u>	((28,082.00)) <u>29,926.00</u>
i.	5,000,000 gpd and greater	((33,422.00)) <u>34,508.00</u>	((33,422.00)) <u>35,616.00</u>
Noncontact Cooling Water With Additives - General Permit Coverage			
a.	< 1,000 gpd	((733.00)) <u>757.00</u>	((733.00)) <u>781.00</u>
b.	1,000 - < 10,000 gpd	((1,461.00)) <u>1,508.00</u>	((1,461.00)) <u>1,556.00</u>
c.	10,000 - < 50,000 gpd	((2,195.00)) <u>2,266.00</u>	((2,195.00)) <u>2,339.00</u>
d.	50,000 - < 100,000 gpd	((5,120.00)) <u>5,286.00</u>	((5,120.00)) <u>5,456.00</u>
e.	100,000 - < 500,000 gpd	((8,773.00)) <u>9,058.00</u>	((8,773.00)) <u>9,349.00</u>
f.	500,000 - < 1,000,000 gpd	((12,432.00)) <u>12,836.00</u>	((12,432.00)) <u>13,248.00</u>
g.	1,000,000 - < 2,500,000 gpd	((16,086.00)) <u>16,609.00</u>	((16,086.00)) <u>17,149.00</u>
h.	2,500,000 - < 5,000,000 gpd	((19,739.00)) <u>20,381.00</u>	((19,739.00)) <u>21,035.00</u>
i.	5,000,000 gpd and greater	((23,394.00)) <u>24,154.00</u>	((23,394.00)) <u>24,929.00</u>
Noncontact Cooling Water Without Additives - Individual Permit Coverage			
a.	< 1,000 gpd	((838.00)) <u>865.00</u>	((838.00)) <u>893.00</u>
b.	1,000 - < 10,000 gpd	((1,671.00)) <u>1,725.00</u>	((1,671.00)) <u>1,780.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
c.	10,000 - < 50,000 gpd	((2,509.00)) <u>2,591.00</u>	((2,509.00)) <u>2,674.00</u>
d.	50,000 - < 100,000 gpd	((5,851.00)) <u>6,041.00</u>	((5,851.00)) <u>6,235.00</u>
e.	100,000 - < 500,000 gpd	((10,030.00)) <u>10,356.00</u>	((10,030.00)) <u>10,688.00</u>
f.	500,000 - < 1,000,000 gpd	((14,203.00)) <u>14,665.00</u>	((14,203.00)) <u>15,136.00</u>
g.	1,000,000 - < 2,500,000 gpd	((18,310.00)) <u>18,905.00</u>	((18,310.00)) <u>19,512.00</u>
h.	2,500,000 - < 5,000,000 gpd	((22,559.00)) <u>23,292.00</u>	((22,559.00)) <u>24,040.00</u>
i.	5,000,000 gpd and greater	((26,739.00)) <u>27,608.00</u>	((26,739.00)) <u>28,494.00</u>
Noncontact Cooling Water Without Additives - General Permit Coverage			
a.	< 1,000 gpd	((586.00)) <u>605.00</u>	((586.00)) <u>624.00</u>
b.	1,000 - < 10,000 gpd	((1,172.00)) <u>1,210.00</u>	((1,172.00)) <u>1,249.00</u>
c.	10,000 - < 50,000 gpd	((1,757.00)) <u>1,814.00</u>	((1,757.00)) <u>1,872.00</u>
d.	50,000 - < 100,000 gpd	((4,095.00)) <u>4,228.00</u>	((4,095.00)) <u>4,364.00</u>
e.	100,000 - < 500,000 gpd	((7,019.00)) <u>7,247.00</u>	((7,019.00)) <u>7,480.00</u>
f.	500,000 - < 1,000,000 gpd	((9,944.00)) <u>10,267.00</u>	((9,944.00)) <u>10,597.00</u>
g.	1,000,000 - < 2,500,000 gpd	((12,868.00)) <u>13,286.00</u>	((12,868.00)) <u>13,712.00</u>
h.	2,500,000 - < 5,000,000 gpd	((15,793.00)) <u>16,306.00</u>	((15,793.00)) <u>16,829.00</u>
i.	5,000,000 gpd and greater	((18,715.00)) <u>19,323.00</u>	((18,715.00)) <u>19,943.00</u>
Nonferrous Metals Forming		((16,713.00)) <u>17,600.00</u>	((16,713.00)) <u>18,527.00</u>
Ore Mining			
a.	Ore Mining	((3,342.00)) <u>3,519.00</u>	((3,342.00)) <u>3,704.00</u>
b.	Ore mining with physical concentration processes	((6,682.00)) <u>7,037.00</u>	((6,682.00)) <u>7,408.00</u>
c.	Ore mining with physical and chemical concentration processes	((26,739.00)) <u>28,158.00</u>	((26,739.00)) <u>29,641.00</u>
Organic Chemicals Manufacturing			
a.	Fertilizer	((16,713.00)) <u>17,256.00</u>	((16,713.00)) <u>17,810.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
b.	Aliphatic	((33,422.00)) <u>34,508.00</u>	((33,422.00)) <u>35,616.00</u>
c.	Aromatic	((50,136.00)) <u>51,765.00</u>	((50,136.00)) <u>53,427.00</u>
Petroleum Refining			
a.	< 10,000 bbls/d	((33,422.00)) <u>34,508.00</u>	((33,422.00)) <u>35,616.00</u>
b.	10,000 - < 50,000 bbls/d	((66,266.00)) <u>68,420.00</u>	((66,266.00)) <u>70,616.00</u>
c.	50,000 bbls/d and greater	((133,699.00)) <u>138,044.00</u>	((133,699.00)) <u>142,475.00</u>
Photofinishers			
a.	< 1,000 gpd	((1,337.00)) <u>1,380.00</u>	((1,337.00)) <u>1,424.00</u>
b.	1,000 gpd and greater	((3,342.00)) <u>3,451.00</u>	((3,342.00)) <u>3,562.00</u>
Power and/or Steam Plants			
a.	Steam Generation - Nonelectric	((6,680.00)) <u>6,897.00</u>	((6,680.00)) <u>7,188.00</u>
b.	Hydroelectric	((6,680.00)) <u>6,897.00</u>	((6,680.00)) <u>7,188.00</u>
c.	Nonfossil Fuel	((10,028.00)) <u>10,354.00</u>	((10,028.00)) <u>10,686.00</u>
d.	Fossil Fuel	((26,739.00)) <u>27,608.00</u>	((26,739.00)) <u>28,494.00</u>
Pulp, Paper and Paper Board			
a.	Fiber Recyclers	((16,711.00)) <u>17,254.00</u>	((16,711.00)) <u>17,808.00</u>
b.	Paper Mills	((33,422.00)) <u>34,508.00</u>	((33,422.00)) <u>35,616.00</u>
c.	Groundwood Pulp Mills		
1.	< 300 tons per day	((50,136.00)) <u>51,765.00</u>	((50,136.00)) <u>53,427.00</u>
2.	> 300 tons per day	((100,270.00)) <u>103,539.00</u>	((100,270.00)) <u>106,863.00</u>
d.	Chemical Pulp Mills w/o Chlorine Bleaching	((133,692.00)) <u>138,037.00</u>	((133,692.00)) <u>142,468.00</u>
e.	Chemical Pulp Mills w/Chlorine Bleaching	((150,400.00)) <u>155,288.00</u>	((150,400.00)) <u>160,273.00</u>
Radioactive Effluents and Discharges (RED)			
a.	< 3 waste streams	((32,332.00)) <u>33,383.00</u>	((32,332.00)) <u>34,455.00</u>

INDUSTRIAL FACILITY CATEGORIES	FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
b. 3 - < 8 waste streams	((56,147.00)) <u>57,972.00</u>	((56,147.00)) <u>59,833.00</u>
c. 8 waste streams and greater	((92,478.00)) <u>95,484.00</u>	((92,478.00)) <u>98,549.00</u>
RCRA Corrective Action Sites	((23,490.00)) <u>24,253.00</u>	((23,490.00)) <u>25,032.00</u>
Seafood Processing		
a. < 1,000 gpd	((1,671.00)) <u>1,725.00</u>	((1,671.00)) <u>1,780.00</u>
b. 1,000 - < 10,000 gpd	((4,259.00)) <u>4,397.00</u>	((4,259.00)) <u>4,538.00</u>
c. 10,000 - < 50,000 gpd	((7,604.00)) <u>7,851.00</u>	((7,604.00)) <u>8,103.00</u>
d. 50,000 - < 100,000 gpd	((11,948.00)) <u>12,336.00</u>	((11,948.00)) <u>12,732.00</u>
e. 100,000 gpd and greater	((16,713.00)) <u>17,256.00</u>	((16,713.00)) <u>17,810.00</u>
Shipyards		
a. Per crane, travel lift, small boat lift	((3,342.00)) <u>3,519.00</u>	((3,342.00)) <u>3,704.00</u>
b. Per drydock under 250 ft in length	((3,342.00)) <u>3,519.00</u>	((3,342.00)) <u>3,704.00</u>
c. Per graving dock	((3,342.00)) <u>3,519.00</u>	((3,342.00)) <u>3,704.00</u>
d. Per marine way	((5,012.00)) <u>5,278.00</u>	((5,012.00)) <u>5,556.00</u>
e. Per scrolift	((5,012.00)) <u>5,278.00</u>	((5,012.00)) <u>5,556.00</u>
f. Per drydock over 250 ft in length	((6,682.00)) <u>7,037.00</u>	((6,682.00)) <u>7,408.00</u>
g. In-water vessel maintenance	((6,682.00)) <u>7,037.00</u>	((6,682.00)) <u>7,408.00</u>
h. <u>In-water vessel deconstruction</u>	<u>16,304.00</u>	<u>16,304.00</u>
The fee for a facility in the shipyard category is the sum of the fees for the applicable units in the facility.		
Solid Waste Sites (nonstorm water)		
a. Nonputrescible	((6,682.00)) <u>6,899.00</u>	((6,682.00)) <u>7,120.00</u>
b. < 50 acres	((13,367.00)) <u>13,801.00</u>	((13,367.00)) <u>14,244.00</u>
c. 50 - < 100 acres	((26,739.00)) <u>27,608.00</u>	((26,739.00)) <u>28,494.00</u>
d. 100 - < 250 acres	((33,422.00)) <u>34,508.00</u>	((33,422.00)) <u>35,616.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
e.	250 acres and greater	((50,136.00)) <u>51,765.00</u>	((50,136.00)) <u>53,427.00</u>
Textile Mills		((66,846.00)) <u>69,018.00</u>	((66,846.00)) <u>71,233.00</u>
Timber Products			
a.	Log Storage	((3,342.00)) <u>3,451.00</u>	((3,342.00)) <u>3,562.00</u>
b.	Veneer	((6,682.00)) <u>6,899.00</u>	((6,682.00)) <u>7,120.00</u>
c.	Sawmills	((13,368.00)) <u>13,802.00</u>	((13,368.00)) <u>14,245.00</u>
d.	Hardwood, Plywood	((23,393.00)) <u>24,153.00</u>	((23,393.00)) <u>24,928.00</u>
e.	Wood Preserving	((32,094.00)) <u>33,137.00</u>	((32,094.00)) <u>34,201.00</u>
Vegetable/Bulb Washing Facilities			
a.	< 1,000 gpd	((110.00)) <u>114.00</u>	((110.00)) <u>118.00</u>
b.	1,000 - < 5,000 gpd	((224.00)) <u>231.00</u>	((224.00)) <u>238.00</u>
c.	5,000 - < 10,000 gpd	((440.00)) <u>454.00</u>	((440.00)) <u>469.00</u>
d.	10,000 - < 20,000 gpd	((887.00)) <u>916.00</u>	((887.00)) <u>945.00</u>
e.	20,000 and greater	((1,464.00)) <u>1,512.00</u>	((1,464.00)) <u>1,561.00</u>
Vehicle Maintenance and Freight Transfer			
a.	< 0.5 acre	((3,342.00)) <u>3,451.00</u>	((3,342.00)) <u>3,562.00</u>
b.	0.5 - < 1.0 acre	((6,682.00)) <u>6,899.00</u>	((6,682.00)) <u>7,120.00</u>
c.	1.0 acre and greater	((10,028.00)) <u>10,354.00</u>	((10,028.00)) <u>10,686.00</u>
Water Plants - Individual Permit Coverage		((4,361.00)) <u>4,710.00</u>	((4,562.00)) <u>4,861.00</u>
Water Plants - General Permit Coverage		((3,052.00)) <u>3,297.00</u>	((3,193.00)) <u>3,403.00</u>
<u>Wineries - Individual Permit Coverage</u>			
a.	< 500 gpd	((341.00)) <u>352.00</u>	((341.00)) <u>363.00</u>
b.	500 - < 750 gpd	((684.00)) <u>706.00</u>	((684.00)) <u>729.00</u>
c.	750 - < 1,000 gpd	((1,367.00)) <u>1,411.00</u>	((1,367.00)) <u>1,456.00</u>

INDUSTRIAL FACILITY CATEGORIES		FY ((2014)) 2016 ANNUAL PERMIT FEE	FY ((2015)) 2017 ANNUAL PERMIT FEE & BEYOND
d.	1,000 - < 2,500 gpd	((2,734.00)) <u>2,823.00</u>	((2,734.00)) <u>2,914.00</u>
e.	2,500 - < 5,000 gpd	((4,362.00)) <u>4,504.00</u>	((4,362.00)) <u>4,649.00</u>
f.	5,000 gpd and greater	((5,987.00)) <u>6,182.00</u>	((5,987.00)) <u>6,380.00</u>

Wineries - General Permit Coverage

a.	<u>Facilities producing 0 - 9,999 gallons of wine per year and/or facilities that discharge to a nondelegated publicly owned treatment works and produce less than 9,999 gallons of wine per year</u>	<u>645.00</u>	<u>645.00</u>
b.	<u>Facilities producing 10,000 - 24,999 gallons of wine per year and/or facilities that discharge to a nondelegated publicly owned treatment works and produce greater than 10,000 gallons of wine per year</u>	<u>1,289.00</u>	<u>1,289.00</u>
c.	<u>Facilities producing 25,000 - 49,999 gallons of wine per year</u>	<u>2,581.00</u>	<u>2,581.00</u>
d.	<u>Facilities producing 50,000 gallons of wine per year and greater</u>	<u>7,743.00</u>	<u>7,743.00</u>

(a) Facilities other than those in the aggregate production, shipyard, or RCRA categories that operate within several fee categories or subcategories, shall be charged from that category or subcategory with the highest fee.

(b) The total annual permit fee for a water treatment plant that primarily serves residential customers may not exceed three dollars per residential equivalent. The number of residential equivalents is determined by dividing the facility's annual gross revenue in the previous calendar year by the annual user charge for a single family residence that uses nine hundred cubic feet of water per month.

(c) Crop preparation and aggregate production permit holders are required to submit information to the department certifying annual production (calendar year) or unit processes. When required, the department will send the information form to the permit holder. The permit holder shall complete and return the information form to the department by the required due date. Failure to provide this information will result in a fee determination based on the highest subcategory the facility has received permit coverage in.

(i) Information submitted shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized general partner; or

(D) In the case of a sole proprietorship, by the proprietor.

(ii) The department may verify information submitted and, if it determines that false or inaccurate statements have been made, it may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(d) Fees for crop preparers discharging only noncontact cooling water without additives shall pay the lesser of the

applicable fee in the crop preparing or noncontact cooling water without additives categories.

(e) Where no clear industrial facility category exists for placement of a permit holder, the department may elect to place the permit holder in a category with dischargers or permit holders that contain or use similar properties or processes and/or a category which contains similar permitting complexities to the department.

(f) Hazardous waste clean up sites and EPA authorized RCRA corrective action sites with whom the department has begun cost recovery through chapter 70.105D RCW shall not pay a permit fee under chapter 173-224 WAC until such time as the cost recovery under chapter 70.105D RCW ceases.

(g) Any permit holder, with the exception of nonoperating aggregate operations or a permitted portable facility, who has not been in continuous operation within a consecutive eighteen-month period or who commits to not being in operation for a consecutive eighteen-month period or longer can have their permit fee reduced to twenty-five percent of the fee that they would be otherwise assessed. This nonoperating mode must be verified by the appropriate ecology staff. Once operations resume, the permit fee will be returned to the full amount.

Facilities who commit to the minimum eighteen-month nonoperating mode but go back into operation during the same eighteen-month period will be assessed permit fees as if they were active during the entire period.

(h) Facilities with subcategories based on gallons per day (gpd) shall have their annual permit fee determined by using the maximum daily flow or maximum monthly average permitted flow in gallons per day as specified in the waste discharge permit, whichever is greater.

(i) RCRA corrective action sites requiring a waste discharge permit will be assessed a separate permit fee regardless of whether the discharge is authorized by a separate permit or by a modification to an existing permit for a discharge other than that resulting from the corrective action.

(3) MUNICIPAL/DOMESTIC FACILITIES

(a) The annual permit fee for a permit held by a municipality for a domestic wastewater facility issued under RCW 90.48.162 or 90.48.260 is determined as follows:

	FY ((2014)) 2016 Annual Permit Fee	FY ((2015)) 2017 Annual Permit Fee & Beyond
Residential Equivalents (RE)		
< 250,000	\$2.16	\$2.16
> 250,000	((1.58)) <u>1.72</u>	((1.65)) <u>1.79</u>

(b) The annual permit fee under RCW 90.48.162 or 90.48.260 that is held by a municipality which:

(i) Holds more than one permit for domestic wastewater facilities; and

(ii) Treats each domestic wastewater facility as a separate accounting entity, is determined as in (a) of this subsection.

A separate accounting entity is one that maintains separate funds or accounts for each domestic wastewater facility. Revenues are received from the users to pay for the costs of operating that facility.

(c) The sum of the annual permit fees for permits held by a municipality that:

(i) Holds more than one permit for domestic wastewater facilities issued under RCW 90.48.162 or 90.48.260; and

(ii) Does not treat each domestic wastewater facility as a separate accounting entity, as described in (b) of this subsection, is determined as in (a) of this subsection.

(d) The permit fee for a privately owned and government-owned domestic wastewater facility that primarily serves residential customers is determined as in (a) of this subsection. Residential customers are those whose lot, parcel or real estate, or building is primarily used for domestic dwelling purposes.

(e) The annual permit fee for privately owned or government-owned domestic wastewater facilities must be determined by using the maximum daily flow or maximum monthly average permitted flow in million gallons per day, whichever is greater, as specified in the waste discharge permit. Permit fees for privately owned or government-owned domestic wastewater facilities that do not serve primarily residential customers and for state-owned domestic wastewater facilities are the following:

	FY ((2014)) 2016 Annual Permit Fee	FY ((2015)) 2017 Annual Permit Fee & Beyond
Permitted Flows		
.1 MGD and Greater	\$(40,492.00)) <u>11,561.00</u>	\$(40,978.00)) <u>12,170.00</u>
.05 MGD to < .1 MGD	((4,198.00)) <u>4,625.00</u>	((4,392.00)) <u>4,869.00</u>

	FY ((2014)) 2016 Annual Permit Fee	FY ((2015)) 2017 Annual Permit Fee & Beyond
Permitted Flows		
.0008 MGD to < .05 MGD	((2,099.00)) <u>2,313.00</u>	((2,196.00)) <u>2,435.00</u>
< .0008 MGD	((633.00)) <u>697.00</u>	((662.00)) <u>734.00</u>

(f) The number of residential equivalents is calculated in the following manner:

(i) If the facility serves only single-family residences, the number of residential equivalents is the number of single-family residences that it served on January 1 of the previous calendar year.

(ii) If the facility serves both single-family residences and other classes of customers, the number of residential equivalents is calculated in the following manner:

(A) Calculation of the number of residential equivalents that the facility serves in its own service area. Subtract from the previous calendar year's gross revenue:

(I) Any amounts received from other municipalities for sewage interception, treatment, collection, or disposal; and

(II) Any user charges received from customers for whom the permit holder pays amounts to other municipalities for sewage treatment or disposal services. Divide the resulting figure by the annual user charge for a single-family residence.

(B) Calculation of the number of residential equivalents that the facility serves in other municipalities which pay amounts to the facility for sewage interception, treatment, collection, or disposal:

(I) Divide any amounts received from other municipalities during the previous calendar year by the annual user charge for a single-family residence. In this case "annual user charge for a single-family residence" means the annual user charge that the facility charges other municipalities for sewage interception, treatment, collection, or disposal services for a single-family residence. If the facility charges different municipalities different single-family residential user fees, then the charge used in these calculations must be that which applies to the largest number of single-family residential customers. Alternatively, if the facility charges different municipalities different single-family residential user fees, the permit holder may divide the amount received from each municipality by the annual user charge that it charges that municipality for a single-family residence and sum the resulting figures.

(II) If the facility does not charge the other municipality on the basis of a fee per single-family residence, the number of residential equivalents in the other municipality is calculated by dividing its previous calendar year's gross revenue by its annual user fee for a single-family residence. If the other municipality does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, the number of residential equivalents is calculated as in (f)(iv) of this subsection.

(III) If the other municipality serves only single-family residences, the number of residential equivalents may be calculated as in (f)(i) of this subsection.

The sum of the resulting figures is the number of residential equivalents that the facility serves in other municipalities.

(C) The number of residential equivalents is the sum of the number of residential equivalents calculated in (f)(ii)(A) and (B) of this subsection.

(iii) The annual user fee for a single-family residence is calculated by either of the following methods, at the choice of the permit holder:

(A) The annual user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed monthly, this is calculated by multiplying by twelve the monthly user fee for a single-family residence using nine hundred cubic feet of water per month. If users are billed bimonthly, the annual user fee is calculated by multiplying by six the bimonthly user fee for a single-family residence using one thousand eight hundred cubic feet of water per two-month period. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the fee used in these calculations must be that which applies to the largest number of single-family residential customers.

(B) The average annual user fee for a single-family residence. This average is calculated by dividing the previous calendar year's gross revenue from provision of sewer services to single-family residences by the number of single-family residences served on January 1 of the previous calendar year. If the user fee for a single-family residence varies, depending on age, income, location, etc., then the gross revenue and number of single-family residences used in making this calculation must be those for all the single-family residential customers.

In either case, (f)(iii)(A) or (B) of this subsection, the permit holder must provide the department with a copy of its complete sewer rate schedule for all classes of customers.

(iv) If a permit holder does not maintain data on its gross revenue, user fees, and/or the number of single-family residences that it serves, and therefore cannot use the methods described in (f)(i) or (ii) of this subsection to calculate the number of residential equivalents that it serves, then the number of residential equivalents that it serves is calculated by

dividing the average daily influent flow to its facility for the previous calendar year by two hundred fifty gallons. This average is calculated by summing all the daily flow measurements taken during the previous calendar year and then dividing the resulting sum by the number of days on which flow was measured. Data for this calculation must be taken from the permit holder's discharge monitoring reports. Permit holders using this means of calculating the number of residential equivalents must submit with their application a complete set of copies of their discharge monitoring reports for the previous calendar year.

(g) Fee calculation procedures for holders of permits for domestic wastewater facilities.

(i) Municipalities holding permits for domestic wastewater facilities issued under RCW 90.48.162 and 90.48.260, and holders of permits for privately owned domestic wastewater facilities that primarily serve residential customers must complete a form certifying the number of residential equivalents served by their domestic wastewater system. The form must be completed and returned to the department within thirty days after it is mailed to the permit holder by the department. Failure to return the form could result in permit termination.

(ii) The form shall bear a certification of correctness and be signed:

(A) In the case of a corporation, by an authorized corporate officer;

(B) In the case of a limited partnership, by an authorized partner;

(C) In the case of a general partnership, by an authorized partner;

(D) In the case of a sole proprietorship, by the proprietor; or

(E) In the case of a municipal or other public facility, by either a ranking elected official or a principal executive officer.

(iii) The department may verify the information contained in the form and, if it determines that the permit holder has made false statements, may, in addition to taking other actions provided by law, revise both current and previously granted fee determinations.

(4) STORM WATER PERMIT COVERAGES (UNLESS SPECIFICALLY CATEGORIZED ELSEWHERE IN WAC 173-224-040(2))

	FY ((2014)) 2016 Annual Permit Fee	FY ((2015)) 2017 Annual Permit Fee & Beyond
a. Individual Construction or Industrial Storm Water Permits		
1. < 50 acres	\$((4,198.00)) <u>4,625.00</u>	\$((4,392.00)) <u>4,869.00</u>
2. 50 -< 100 acres	((8,389.00)) <u>9,243.00</u>	((8,777.00)) <u>9,730.00</u>
3. 100 -< 500 acres	((12,594.00)) <u>13,877.00</u>	((13,177.00)) <u>14,608.00</u>
4. 500 acres and greater	((16,789.00)) <u>18,499.00</u>	((17,566.00)) <u>19,474.00</u>

	FY ((2014)) 2016 Annual Permit Fee	FY ((2015)) 2017 Annual Permit Fee & Beyond
b. Facilities Covered Under the Industrial Storm Water General Permit		
1. Municipalities and state agencies	((1,374.00)) <u>1,514.00</u>	((1,438.00)) <u>1,594.00</u>
2. New permit holders without historical gross revenue information	((721.00)) <u>794.00</u>	((754.00)) <u>836.00</u>
3. The permit fee for all other permit holders shall be based on the gross revenue of the business for the previous calendar year		
Gross Revenue		
Less than \$100,000	((134.00)) <u>147.00</u>	((140.00)) <u>155.00</u>
\$100,000 -< \$1,000,000	((578.00)) <u>637.00</u>	((605.00)) <u>671.00</u>
\$1,000,000 -< \$2,500,000	((693.00)) <u>763.00</u>	((725.00)) <u>803.00</u>
\$2,500,000 -< \$5,000,000	((1,157.00)) <u>1,275.00</u>	((1,211.00)) <u>1,342.00</u>
\$5,000,000 -< \$10,000,000	((1,736.00)) <u>1,912.00</u>	((1,816.00)) <u>2,013.00</u>
\$10,000,000 and greater	((2,097.00)) <u>2,310.00</u>	((2,194.00)) <u>2,432.00</u>

To be eligible for less than the maximum permit fee, the permit holder must provide documentation to substantiate the gross revenue claims. Documentation shall be provided annually in a manner prescribed by the department. The documentation shall bear a certification of correctness and be signed:

- (a) In the case of a corporation, by an authorized corporate officer;
- (b) In the case of a limited partnership, by an authorized general partner;
- (c) In the case of a general partnership, by an authorized partner; or
- (d) In the case of a sole proprietorship, by the proprietor.

The department may verify the information contained in the submitted documentation and, if it determines that the permit holder has made false statements, may deny the adjustment, revoke previously granted fee adjustments, and/or take such other actions deemed appropriate or required under state or federal law.

c. Construction Activities Covered Under the Construction Storm Water General Permit(s)		
1. Less than 5 acres disturbed area	\$((543.00)) <u>598.00</u>	\$((568.00)) <u>630.00</u>
2. 5 -< 7 acres of disturbed area	((883.00)) <u>973.00</u>	((924.00)) <u>1,024.00</u>
3. 7 -< 10 acres of disturbed area	((1,192.00)) <u>1,313.00</u>	((1,247.00)) <u>1,382.00</u>
4. 10 -< 20 acres of disturbed area	((1,627.00)) <u>1,792.00</u>	((1,702.00)) <u>1,886.00</u>
5. 20 acres and greater of disturbed area	((2,023.00)) <u>2,229.00</u>	((2,117.00)) <u>2,346.00</u>

(5) MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMITS

(a) Except as provided for in (d) of this subsection, the municipal storm water permit annual fee for the entities listed below will be:

Name of Entity	FY ((2014)) 2016 Annual Permit Fee	FY ((2015)) 2017 Annual Permit Fee & Beyond
King County	\$(47,810.00) <u>52,680.00</u>	\$(50,024.00) <u>55,455.00</u>
Snohomish County	((47,810.00)) <u>52,680.00</u>	((50,024.00)) <u>55,455.00</u>
Pierce County	((47,810.00)) <u>52,680.00</u>	((50,024.00)) <u>55,455.00</u>
Tacoma, City of	((47,810.00)) <u>52,680.00</u>	((50,024.00)) <u>55,455.00</u>
Seattle, City of	((47,810.00)) <u>52,680.00</u>	((50,024.00)) <u>55,455.00</u>
Washington Department of Transportation	((47,810.00)) <u>52,680.00</u>	((50,024.00)) <u>55,455.00</u>
Clark County	((47,810.00)) <u>52,680.00</u>	((50,024.00)) <u>55,455.00</u>

(b) Municipal storm water general permit fees for cities and counties, except as otherwise provided for in (a), (c), and (d) of this subsection, will be determined in the following manner: For fiscal year ((2014)) 2016, ecology will charge ~~\$(139)~~ 1.53 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to ~~\$(68)~~ .75 per housing unit inside the geographic area covered by the permit. For fiscal year ((2015)) 2017, ecology will charge ~~\$(445)~~ 1.61 per housing unit inside the geographic area covered by the permit for those cities and counties whose median household income exceeds the state average. Cities and counties whose median household income is less than the state average will have their fee per housing unit reduced to ~~\$(74)~~ .79 per housing unit inside the geographic area covered by the permit. Fees will not exceed ~~\$(47,810.00)~~ 52,680.00 for fiscal year ((2014)) 2016 and ~~\$(50,024.00)~~ 55,455.00 for fiscal year ((2015)) 2017. The minimum annual fee will not be lower than ~~\$(1,988.00)~~ 2,190.00 for fiscal year ((2014)) 2016 and ~~\$(2,080.00)~~ 2,305.00 for fiscal year ((2015)) 2017 unless the permitted city or county has a median household income less than the state average. In this case, the city or county will pay a fee totaling ~~\$(68)~~ .75 per housing unit for fiscal year ((2014)) 2016. The fee amount for FY ((2015)) 2017 will be ~~\$(74)~~ .79 per housing unit.

(c) Other entities required to have permit coverage under a municipal storm water general permit will pay an annual fee based on the entities' previous year's annual operating budget as follows:

Annual Operating Budget	FY ((2014)) 2016 Annual Permit Fee	FY ((2015)) 2017 Annual Permit Fee & Beyond
Less than \$100,000	\$(139.00) <u>153.00</u>	\$(145.00) <u>161.00</u>
\$100,000 -< \$1,000,000	((560.00)) <u>617.00</u>	((586.00)) <u>650.00</u>
\$1,000,000 -< \$5,000,000	((1,399.00)) <u>1,542.00</u>	((1,464.00)) <u>1,623.00</u>
\$5,000,000 -< \$10,000,000	((2,098.00)) <u>2,312.00</u>	((2,195.00)) <u>2,434.00</u>
\$10,000,000 and greater	((3,497.00)) <u>3,853.00</u>	((3,659.00)) <u>4,056.00</u>

For the purposes of determining the annual permit fee category, the annual operating budget shall be the entities' annual operating budget for the entities' previous fiscal year and shall be determined as follows:

(i) For diking, drainage, irrigation, and flood control districts, the district's annual operating budget.

(ii) For ports, the annual operating budget for the port district.

(iii) For colleges, schools, and universities, the portion of the operating budget related to plant or facilities operation and maintenance for the site or sites subject to the permit.

(iv) For state agencies, the annual operating budget for the site or sites subject to the permit.

(v) For other entities not listed, ecology will consider annual revenue, and the noncapital operating budget for the site subject to the permit.

(d) Municipal storm water permits written specifically for a single entity, such as a single city, county, or agency, issued after the effective date of this rule will have its annual fee determined in the following manner:

(i) For cities and counties listed in (a) of this subsection, the fee shall be five times the amount identified.

(ii) For cities and counties whose median household income exceeds the state average, the fee shall be the higher of either five times the otherwise applicable general permit fee or \$30,000. For municipalities whose median household income is less than the state average, the fee shall be the higher of 2.5 times the otherwise applicable general permit fee or \$15,000.

(iii) For entities that would otherwise be covered under a municipal storm water general permit as determined in (c) of this subsection, the fiscal year ((2014)) 2016 annual fee for a permit written for a specific entity shall be ~~\$(9,945.00)~~ 10,958.00. For FY ((2015)) 2017, the annual fee will be ~~\$(10,405.00)~~ 11,535.00.

(e) Ecology will assess a single permit fee for entities which apply only as co-permittees or co-applicants. The permit fee shall be equal to the highest single permit fee which would have been assessed if the co-permittees had applied separately.