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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 123rd item in the February, 1978, Register would be cited as WSR 78-02-123.

## PUBLIC INSPECTION OF DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

## 5. EFFECTIVE DATE OF RULES

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

## 6. EDITORIAL CORRECTIONS

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

## 7. INDEX AND TABLES

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

**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> or 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
79-07	Jul 18	Aug 7	Jul 3	Jun 20	Jun 6
79-08	Aug 15	Sep 4	Aug 1	Jul 18	Jul 3
79-09	Sep 19	Oct 9	Sep 5	Aug 22	Aug 8
79-10	Oct 17	Nov 6	Oct 3	Sep 19	Sep 5
79-11	Nov 21	Dec 11	Nov 7	Oct 24	Oct 10
79-12	Dec 19	Jan 8, 1980	Dec 5	Nov 21	Nov 7
80-01	Jan 16	Feb 5	Jan 2, 1980	Dec 19, 1979	Dec 5, 1979
80-02	Feb 20	Mar 4	Feb 6	Jan 23	Jan 9
80-03	Mar 19	Apr 8	Mar 5	Feb 20	Feb 6
80-04	Apr 16	May 6	Apr 2	Mar 19	Mar 5
80-05	May 21	Jun 10	May 7	Apr 23	Apr 9
80-06	Jun 18	Jul 8	Jun 4	May 21	May 7

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

<sup>2</sup>No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediately preceding Register.

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



**WSR 79-09-088**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1429—Filed August 31, 1979—Effective September 1, 1979]

I, Richard Pinsky, Assist. Sec. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-11 WAC Support of dependent children—Alternative method.  
 New ch. 388-13 WAC Recovery of support payments.  
 Amd ch. 388-14 WAC Support enforcement.

I, Richard Pinsky, Assist. Sec. find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are necessary to implement chapter 171, Laws of 1979 1st ex. sess. which becomes effective on September 1, 1979.

Such rules are therefore adopted as emergency rules to take effect on September 1, 1979.

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

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

APPROVED AND ADOPTED August 31, 1979.

By R. M. Pinsky  
 Assistant Secretary

**AMENDATORY SECTION**

**WAC 388-11-010 STATUTORY BASIS.** RCW 74.20A.055 is the administrative process for determination of or establishment of support obligations when there is no superior court order. These provisions contain the ((exclusive)) administrative method to be used when there is an absence of a superior court order in cases where a notice and finding of financial responsibility has been served by the office of support enforcement or their agent on the responsible parent. Action based on chapter 74.20A RCW may not be based on agreements. The notice and finding of financial responsibility may be served only for a support debt or responsibility to support accrued and/or to be established under chapter 171, sections 17 and/or 22, Laws of 1979 1st ex. sess., RCW 74.20A.030, RCW 74.20.040, ((RCW 74.20.292, or)) RCW 26.16.205 and/or RCW 74.20A.250 relating to a period of time when a superior court order did not exist, specifically including cases eligible for nonassistance support enforcement services under WAC 388-14-302.

**NEW SECTION**

**WAC 388-11-011 DEFINITIONS.** (1) "Locate" for purposes of this chapter shall mean service of the notice and finding of financial responsibility in a manner prescribed by WAC 388-11-040.

(2) "Reasonable efforts to locate" shall mean any of the following actions taken on a case:

(a) Mailing of the notice and finding of financial responsibility by certified mail, return receipt requested to an address, reasonably believed by office of support enforcement to be a mailing address of the responsible parent, and presentation of said notice by the U.S. Postal Service to the address prior to the expiration of the sixty-day period specified in WAC 388-11-065 (9) without effecting a locate of the responsible parent; or

(b) Referral to a sheriff, other server of process or locate service or other agent or employee of the department for locate activities if the responsible parent is not located under (a) above or if no known mailing address exists but the information which office of support enforcement has, reasonably indicates that the responsible parent can be located; or

(c) Tracing activity, as stated below, by office of support enforcement staff when a locate cannot be established under (a) and (b) above:

(i) Checking of local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers or the postal authorities when appropriate;

(ii) Contacting state agencies, union, financial, or fraternal organizations available on the local level to which the responsible parent is known to have had contact or membership.

(d) Referral to state parent locator service when tracing efforts under (c) above are exhausted;

(e) Referral to the attorney general, a prosecuting attorney or the internal revenue service for appropriate locate or collection action.

(3) "The date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought" shall mean the date action is taken by the community service office of the department to authorize payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant.

(4) "Department" means the state department of social and health services. For purposes of WAC 388-11, unless otherwise clearly indicated, "department" shall mean the chief, office of support enforcement or his designee.

(5) "Secretary" means the secretary of the department of social and health services, or the secretary's designee or authorized representative, which for purposes of WAC 388-11 shall mean the designee of the secretary, the chief, office of hearings or his designee.

(6) "Hearing examiner" shall mean the hearing examiner employed by the department of social and health services who hears the testimony and makes the initial decision under WAC 388-11.

(7) "Dependent child" means any person under the age of twenty-one who is not otherwise emancipated,

self-supporting, married, or a member of the armed forces of the United States.

(8) "Superior court order" means any judgment or order of the superior court of the state of Washington ordering payment of a set or determinable amount of support moneys, or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys. Orders of the superior court which fail to expressly require payment of support by a responsible parent or orders which fail to specifically relieve the responsible parent of the support obligation shall not constitute a superior court order.

(9) "Responsible parent" means the natural parent, adoptive parent, or stepparent of a dependent child.

(10) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for by RCW 26.16.205 until the relationship is terminated by death or dissolution of marriage.

(11) "Support moneys" means any moneys paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(12) "Future" support or "future and current" support or "future/current" support shall mean support moneys paid to satisfy the support obligation for the instant or present month as opposed to satisfaction of support obligations owed for previous and past months which, having been unpaid, are delinquent.

(13) "Debt," "arrears," "delinquency," "past support," shall all mean the amount owed for a period of time prior to the instant month but is owed for a period of time in the past.

(14) "Need" means the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children.

(15) "Good cause" means that there is substantial reason or legal justification for delay and allegation is made of a defense under WAC 388-11-065.

(16) "Assignment pursuant to RCW 74.20A.040" shall mean the assignment made by an applicant/custodian of support rights pursuant to WAC 388-14-310.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION

WAC 388-11-015 CREDITS ALLOWABLE IN SATISFACTION OF DEBT. Pursuant to RCW 74.20.101 ~~((After))~~ after a notice and finding of financial responsibility has been served on the responsible parent, satisfaction in whole or in part of ~~((this))~~ the debt may be obtained only by cash, check, or money order payments through the office of support enforcement. After service of said notice, any ~~((direct providing of))~~ attempt to satisfy the debt by providing the caretaker, custodian,

vendor or other third party with cash, check, money order or in-kind, noncash, non-negotiable items or services, including payments for any item to vendors or other third parties of items included in the public assistance standards, ~~((are))~~ is conclusively presumed to be gifts and ~~((may))~~ will not be credited against the debt. Family necessities provided directly to the caretaker/custodian, or children, or provided through vendors or third parties, may be credited against the debt only if they are provided prior to service of the notice and finding of financial responsibility on the responsible parent pursuant to WAC 388-11-040. To obtain such credit the responsible parent has the burden of proving, by a preponderance of the evidence, that such items provided were, at that time, intended to satisfy, in whole or in part, the common law or statutory obligation of said responsible parent; Provided, no credit may be given for items ~~((not provided for or included in the basic public assistance standards:))~~ which are not food, clothing, shelter or medical attendance: PROVIDED, FURTHER, That shelter payments made may not be credited against any debt for any period determined under these rules in an amount greater than the shelter allocation in the public assistance standards for the same period or one-half of the actual shelter payment made, whichever is the lesser. Any credit given shall be classified as a payment of child support and shall be treated consistent with rules of eligibility in effect ~~((as of the time of the overpayment.))~~ at the time of payment. After assignment has been made pursuant to WAC 388-24-108, any support payments made subsequent to assignment shall be treated pursuant to WAC 388-14-210.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### AMENDATORY SECTION

WAC 388-11-030 NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. (1) The notice and finding of financial responsibility shall set forth the ~~((original determination of the office of support enforcement, of the amount the responsible parent owes as an accrued debt and a statement of the demand for payment thereon and/or the original determination of the office of support enforcement of the amount the responsible parent should pay in the future as periodic future support.))~~ office of support enforcement's finding of responsibility, the amount which the office of support enforcement alleges that the responsible parent owes as an accrued debt and a statement of the demand for payment thereon. Where appropriate the notice and finding of financial responsibility shall also set forth the office of support enforcement's finding of responsibility as to the amount the responsible parent should pay in the future as periodic future support for such period of time as the child or children are in need.

(2) The notice and finding of financial responsibility shall also include:

(a) A statement of the name of the recipient or custodian;

(b) The name of the child or children on whose behalf need is alleged;

(c) A statement that, if the responsible parent objects to all or any part of the notice and finding of financial responsibility, (s)he shall have a right, for not more than twenty days from date of service, ~~((for))~~ a right to request a hearing to show cause why said responsible parent should not be determined to be liable for any or all of the debt, past and future~~((, determined, and the amount to be paid thereon))~~;

(d) A statement that, said objection shall be communicated, in writing, and shall be served on the district field office of the office of support enforcement issuing the notice and finding of financial responsibility;

(e) A statement that, if the responsible parent fails to object in writing, in a timely manner, the support debt and/or payments stated in the notice and finding of financial responsibility shall be assessed and determined and ordered in accordance with the ~~((original determination))~~ finding of responsibility of the department as set forth in the notice and finding of financial responsibility;

(f) A statement that the support debt, as assessed and determined~~((:))~~ and ordered is subject to collection action and that the property of the debtor, without further advance notice ~~((of))~~ or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy the debt.

(g) A statement that, after service of the notice, all payments made which are intended to satisfy a current and/or accrued child support obligation alleged in the notice must be made directly to the office of support enforcement. Payments made to any other party will not be credited against the debt.

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

#### AMENDATORY SECTION

WAC 388-11-040 SERVICE OF NOTICE AND FINDING OF FINANCIAL RESPONSIBILITY. The notice and finding of financial responsibility shall be served on the responsible parent by the office of support enforcement or their agent in the manner prescribed for the service of a summons in a civil action~~((:))~~ or by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

#### AMENDATORY SECTION

WAC 388-11-050 FAILURE TO MAKE REQUEST FOR HEARING. If the responsible parent fails to object, in a timely manner, to the ~~((original determinations))~~ finding of responsibility of the office of support enforcement, such ~~((determinations))~~ findings as are stated in the notice and finding of financial responsibility shall become final subject to the provisions of WAC 388-11-055. The debt, as stated, ~~((together with the amount to be paid thereon each month, if stated,))~~ and/or the future periodic support payments to prospectively satisfy liability under chapter 171, sections 17

and/or 22, Laws of 1979, 1st ex. sess., RCW 74.20A-.030, 74.20.040 or 26.16.205, and/or 74.20A.250 shall be subject to collection action. ~~((Prospective modification pursuant to WAC 388-11-140 may be ordered as to that portion of the original determination for periodic future support payments. It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to an original determination for periodic future support payments which determination was made by allegation of ability to pay based on the best information available.))~~

#### AMENDATORY SECTION

WAC 388-11-055 PETITION FOR HEARING AFTER TWENTY DAYS-STAY. (1) The responsible parent may~~((:))~~ at any time ~~((within one year from the date of service of the notice and finding of financial responsibility))~~, upon a showing of good cause for the failure to make a timely request for hearing, petition the secretary or ~~((his))~~ the secretary's designee for a hearing, as provided for but not previously granted pursuant to WAC 388-11-060, 388-11-065, and 388-11-100~~((; upon a showing of any of the grounds enumerated in RCW 4.72.010 and CR 60))~~. A copy of said petition shall also be served by certified mail, return receipt requested, or by service in the ~~((amount))~~ manner of a summons in a civil action on the district office of the office of support enforcement. The filing of such petition shall not stay any collection action being taken under chapter 74.20A RCW. The petition shall state~~((:))~~ the grounds alleged by the responsible parent to constitute good cause for the failure to make a timely request for hearing.

~~((a))~~ The grounds relied on as enumerated in RCW 4.72.010 and CR 60;

(b) The defenses to be raised to liability;

(c) A statement of the name of the employer of the responsible parent and his spouse, if any, and a statement of the income, property and resources of the responsible parent or his marital community, as defined in WAC 388-11-190.

(2) Upon the assignment of the matter to a hearing examiner, the responsible parent may petition the hearing examiner for an order staying collection action pending the final decision of the department or the courts on any appeal made pursuant to chapter 34.04 RCW. The office of support enforcement shall be given notice of not less than five working days of the petition for stay of collection action.

The hearing examiner may, upon being satisfied of proper notice as provided above, issue a stay of future collection action conditioned upon payment to the office of support enforcement of temporary, current and future support in an amount prescribed by WAC 388-11-190 when current and future support has been requested in the notice and finding of financial responsibility. The hearing examiner shall, on request of the office of support enforcement, also condition the stay on execution by the responsible parent and spouse, if any, of an assignment of earnings. The stay shall not require release of liens already filed and shall also provide for the filing

~~of additional liens pursuant to RCW 74.20A.060 to prevent transfer of any real or personal property subject to said liens during the pendency of this hearing. If conditions of the stay are not met, the office of support enforcement may immediately resume collection action pursuant to chapter 74.20A RCW with notice to the responsible parent and the hearing examiner or secretary or his designee as appropriate. Undisbursed moneys withheld by collection action taken prior to the date of issuance of the stay or by collection action taken pursuant to the terms of the stay shall be held in trust by the office of support enforcement, pending final order of the department or any appeal to the courts made pursuant to chapter 34.04 RCW, to be distributed in accordance with said final order. Temporary current and future support shall be disbursed to the custodial parent or as otherwise appropriate when received by the office of support enforcement.~~

~~The conditions under which a stay has been granted as stated above shall continue in effect as jurisdictional requirements during the pendency of the hearing and during the pendency of any appeal made to the courts pursuant to chapter 34.04 RCW unless the court in its discretion makes other provision as to these matters.~~

~~In the absence of a petition for a stay by the responsible parent, the office of support enforcement may also petition the hearing examiner to set temporary, current and future support which shall be governed by the same rules which apply to the petition for a stay by the responsible parent.~~

(2) The granting of a request for a hearing under (1) above shall operate as a stay on any future collection action pending the final decision except as provided for in (4) below.

(3) The office of support enforcement may petition the hearing examiner orally or in writing on or before the date of hearing to set temporary current and future support to be paid beginning with the month in which the petition for an untimely hearing is granted. The hearing examiner shall order payment of temporary current and future support in an amount determined pursuant to the scale of minimum contributions in WAC 388-11-190 unless such payment is contrary to law.

(4) On motion of the responsible parent or office of support enforcement, the secretary or the secretary's designee may schedule a preliminary hearing to consider:

- (a) Whether good cause exists to grant a hearing;
- (b) Setting of temporary current and future support;
- (c) Settlement of any or all of the issues;
- (d) Such other matters as may aid in disposition of the proceeding; and
- (e) If agreed to by the parties to hear the merits of the responsible parent's objections to the notice and finding of financial responsibility.

Notice of the preliminary hearing shall be mailed to the parties by certified mail, not less than 10 days prior to the scheduled date of the hearing.

(5) In the event the responsible parent does not make payment of the temporary current and future support as ordered, the office of support enforcement may take collection action pursuant to RCW 74.20A during the

pendancy of the hearing or thereafter to collect any amounts owing under the temporary order.

(6) Moneys withheld as a result of collection action in effect at the time of granting of the request for the hearing shall be delivered to the office of support enforcement and shall be held in trust by the office of support enforcement pending the final order of the secretary or during the pendency of any appeal to the courts. Temporary current and future support paid, or collected during the pendency of the hearing or appeal shall be disbursed when received by the office of support enforcement.

(7) If the final decision of the department or the courts on appeal is that the department has collected an amount from the responsible parent greater than such parents past support debt, other than temporary current and future support, such excess shall promptly be refunded to such parent.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

## AMENDATORY SECTION

### WAC 388-11-060 REQUEST FOR HEARING.

Any responsible parent who objects to all or any part of the notice and finding of financial responsibility shall have the right, for not more than twenty days from the date of service of said notice and finding of financial responsibility, to request, in writing, a hearing which request shall be served upon the office of support enforcement by registered or certified mail or personally. A request for hearing, pursuant to this section, shall not be construed to be or considered as a general denial of requests for admission pursuant to WAC 388-11-080. The execution of the notice and finding of financial responsibility shall be stayed pending the final decision on such hearing ((or any direct appeal to the courts from that decision)). If an objection is received, the ((department)) secretary or the secretary's designee shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his representative by registered or certified mail. ((It shall be the appellant's responsibility to notify the department of his mailing address at the time of service of the objection and also of any change of address after his objection is submitted and he shall bear the consequences of failing to receive subsequent certified or registered mailings in this proceeding. It shall be the responsibility of the department to notify the appellant of this obligation. PROVIDED, That said)) The hearing shall be scheduled within thirty days of the date of receipt of the objection. If the time, date or place is inconvenient to either party, the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause.

AMENDATORY SECTION

WAC 388-11-065 RESPONSIBLE PARENT TO SHOW CAUSE—AFFIRMATIVE DEFENSES—BURDEN OF PROOF. At the hearing held pursuant to WAC 388-11-060, the responsible parent shall show cause, if any there be, why the finding of financial responsibility and/or the amount prayed for therein is inaccurate and why the hearing examiner should not enter an initial decision and order as prayed for in said notice and finding of financial responsibility but should either rescind or modify the same. In said show cause hearing the responsible parent shall state affirmatively and shall have the burden of proving:

- (1) Estoppel;
- (2) Payment;
- (3) Release;
- (4) Superior court order;
- (5) Lack of eligibility in the receipt of public assistance funds paid to or for the benefit of the responsible parent's minor child or children: PROVIDED, That lack of eligibility shall ((not)) operate as a defense ((to a responsible parent's current and future support obligation when an assignment of support rights has been executed by a nonassistance custodian pursuant to RCW 74.20.040 or an assignment of support rights has been executed by a public assistance recipient pursuant to 42 USC 602 (a) (26) (A):)) only as to debt accrued prior to September 1, 1979: PROVIDED, FURTHER, That lack of eligibility shall operate as a defense to a responsible parent's liability to repay the department only to the extent the amount of ineligibility proven in any one month exceeds the difference between the total grant for that month and the amount of the support liability determined for that month;

(6) ((Lack of natural or adoptive parentage;)) That the appellant is not identifiable as a responsible parent;

(7) Inability to pay the amount determined ((and/or inaccuracy of amount or value of net earnings or resources upon which the original determination is based));

(8) Lack of need and/or debt pursuant to RCW 26.16.205: PROVIDED, That the ((standard of assistance adopted by the department as directed by the legislature in RCW 74.08.040 shall constitute a rebuttable presumption of the minimum support need of the child or children and if)) amount determined by reference to the schedule of suggested minimum contributions in WAC 388-11-190, based on the earnings, resources, and property of the responsible parent shall be a rebuttable presumption of the responsible parent's ability to pay and the need of the family on whose behalf action is being taken. The responsible parent shall be presumed to have no ability to pay from income received from AFDC, SSI or continuing general assistance. If said presumption is rebutted the office of support enforcement shall be afforded reasonable opportunity to present evidence of actual need with the right to a continuance on request to present said evidence: PROVIDED FURTHER, Said rebuttable presumption shall apply whether or not the child or children are recipients of or applicants for public assistance, and

(9) Failure to serve notice and finding of financial responsibility within 60 days from date the state assumes responsibility for the support of the dependent child(ren): PROVIDED, That if the notice is not served within 60 days from said date, the department shall lose the right to reimbursement of payments made after the 60 days and before the date of service of the notice. PROVIDED FURTHER, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire 60-day period is tolled until such time as the debtor can be located.

((9)) (10) Any other matter constituting an avoidance ((of)) or affirmative defense to the notice and finding of financial responsibility. ((The hearing examiner or review examiner shall not require the office of support enforcement to produce or obtain information, documents or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that information or those documents which the office of support enforcement has in its possession.))

The hearing examiner or review examiner shall not require the office of support enforcement to produce or obtain information, documents or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that nonconfidential information or documents which the office of support enforcement has in its possession.

AMENDATORY SECTION

WAC 388-11-100 DUTY OF HEARING EXAMINER. Based on the notice and finding of financial responsibility and objections made thereto, the hearing examiner shall determine the liability and responsibility, if any, of the responsible parent under chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., RCW 74.20A.030 ((and 74.20.292:)), 74.20A.250 and/or 26.16.205. The hearing examiner shall also determine the amount of periodic payments to be made to satisfy past, present, or future liability under chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., RCW ((74.20.292:)) 74.20A.030, 74.20A.250, 74.20.040 and/or 26.16.205 ((and/or 74.20A.250:)), and shall provide in his order that failure to make periodic payments in a timely manner will make the entire arrearage collectable by the office of support enforcement. ((Periodic payments to satisfy a past liability shall provide for full repayment prior to expiration of any statute of limitations which may bar collection of the debt.)) In all cases in which the applicant-custodian has made assignment pursuant to RCW 74.20.040 for nonassistance support enforcement services, the hearing examiner shall determine the future, ((and)) current and past support obligations not limited to the amount of any public assistance standards or grant but based upon ((futh)) need and/or ability to pay pursuant to RCW 26.16.205. In all cases in which the applicant/recipient has made assignment pursuant to 42 USC 602 (a) (26) (A), or chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., the hearing examiner shall determine the future, ((and)) current and past support obligations of the responsible parent not limited to the amount of any public assistance standards

or grant but based upon ~~((fath))~~ need and/or ability to pay pursuant to RCW 26.16.205. Whenever there has been no assignment made pursuant to 42 USC 602 (a) (26) (A), or chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess. or RCW 74.20.040, the hearing examiner shall determine the liability and the responsibility, if any, of the responsible parent as to past, future and current support obligation based upon RCW 74.20A-.030(-) and RCW 74.20A.250. The hearing examiner shall include in his consideration:

~~((1) The necessities and requirements of the child or children exclusive of any income of the custodian of said child or children;~~

~~(2) The amount of support debt claimed;~~

~~(3) The public policy and intent of the legislature to require that children be maintained from the resources of the responsible parents thereby relieving to the greatest extent possible the burden borne by the general citizenry through welfare programs;~~

~~(4) The abilities and resources of the responsible parent;))~~

~~(1) All earnings and income resources of the responsible parent, including real and personal property;~~

~~(2) The earnings potential of the responsible parent;~~

~~(3) The reasonable necessities of the responsible parent;~~

~~(4) The ability of the responsible parent to borrow;~~

~~(5) The needs of the child for whom the support is sought;~~

~~(6) The amount of assistance which would be paid to the child under the full standard of need of the state's public assistance plan;~~

~~(7) The existence of other dependents; and~~

~~(8) That the child, for whom support is sought, benefits from the income and resources of the responsible parent on an equitable basis in comparison with any other minor children of the responsible parent.~~

~~((5)) The hearing examiner shall also include in his consideration ~~((The))~~ the standards in WAC 388-11-190 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent. The hearing examiner is empowered, upon proper showing of unusual circumstances, to set an amount of support, as to the past, present, or future, at ~~((variance from))~~ a greater or less amount than the amount stated or computed in reference to the scale in WAC 388-11-190(~~;- and~~)).~~

~~((6) Other natural, adoptive and/or stepchildren being supported by the responsible parent as provided for in WAC 388-11-190.))~~ The findings of fact as to unusual circumstances shall consist of a concise statement of each fact found upon each contested issue of fact and shall state the grounds for deviation from the standards in WAC 388-11-190. The hearing examiner shall make his initial decision and enter his findings of fact based on the notice and finding of financial responsibility and the evidence admitted at the hearing.

The office of support enforcement ~~((may verbally))~~ has a right to orally amend the notice and finding of financial responsibility, at the time of hearing, to conform to the evidence in which case the hearing examiner is

empowered, when deemed necessary, through continuance, to allow the responsible parent additional time to present rebutting evidence and/or argument as to the amendment.

After evidence has been presented at a hearing conducted by a hearing examiner, the hearing examiner shall enter an initial decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon.

The hearing examiner shall file the original of the initial decision and order signed by him with the secretary or his designee, and copies thereof shall be mailed by the hearing examiner to the office of support enforcement and to the appellant by certified mail to the last known address of the party. ~~((Within thirty days of receipt of the initial decision, either the appellant or the office of support enforcement may petition the secretary or his designee, in writing, for review of the initial decision and order. Such petition for review shall set forth in detail the basis for the requested review, and shall be mailed to the other party by certified or registered mail to the last known address of the party.~~

The petition shall be based on any one of the following causes materially affecting the substantial rights of the petitioner:

~~(a) Irregularity in the proceedings of the hearing examiner or adverse party, or any order of the hearing examiner, or abuse of discretion, by which the moving party was prevented from having a fair hearing;~~

~~(b) Misconduct of prevailing party;~~

~~(c) Accident or surprise which ordinary prudence could not have guarded against;~~

~~(d) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the hearing;~~

~~(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law or these rules;~~

~~(f) Error in mathematical computation;~~

~~(g) Error in the law occurring at the hearing and objected to at the time by the party making the application;~~

~~(h) That the moving party is unable to perform according to the terms of the order without further clarification;~~

~~(i) That substantial justice has not been done;~~

~~(j) Fraud or misstatement of facts by any witness, pertaining to the ability of the responsible parent to pay support;~~

~~(k) Clerical mistakes in the decision arising from oversight or omission; and/or~~

~~(l) That the decision and order entered, because the responsible parent failed to appear at the hearing, should be vacated and the matter be remanded upon showing of the grounds enumerated in RCW 4.72.010 or CR60.~~

In the event no petition for review is made as provided herein by any party, the initial decision and order of the hearing examiner shall be final as of the date of filing and becomes the decision and order of the department.



~~After the receipt of a petition for review, the secretary or his designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof and such additional evidence and argument as he may in his discretion allow. The secretary or his designee may remand the proceedings to the hearing examiner for additional evidence or argument. The secretary or his designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of said denial and all parties shall forthwith be notified, in writing, of said denial by certified mail to the last known address of the parties. Unless the petition is denied, the secretary or his designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law. The initial findings of fact, conclusions of law, and decision and order shall not be modified unless the findings of fact are unsupported by substantial evidence in view of the entire record and/or unless the applications of law in the initial decision are incorrect in the reasoned opinion of the review examiner. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party.)~~

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

## NEW SECTION

**WAC 388-11-105 REVIEW OF INITIAL DECISION.** Within thirty days of service of the initial decision, either the appellant or the office of support enforcement may petition the secretary or the secretary's designee, in writing, for review of the initial decision and order. Such petition for review shall set forth in detail the basis for the requested review, and shall be mailed to the other party by certified or registered mail to the last known address of the party.

The petition shall be based on any one of the following causes materially affecting the substantial rights of the petitioner:

(a) Irregularity in the proceedings of the hearing examiner or adverse party, or any order of the hearing examiner, or abuse of discretion, by which the moving party was prevented from having a fair hearing;

(b) Misconduct of prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the hearing;

(e) That there is no evidence or reasonable inference from the evidence to justify the decision, or that it is contrary to law or these rules;

(f) Error in mathematical computation;

(g) Error in the law occurring at the hearing and objected to at the time by the party making the application;

(h) That the moving party is unable to perform according to the terms of the order without further classification;

(i) That substantial justice has not been done;

(j) Fraud or misstatement of facts by any witnesses, pertaining to any defense provided for in WAC 388-11-065;

(k) Clerical mistakes in the decision arising from oversight or omission; and/or

(l) That the decision and order entered, because the responsible parent failed to appear at the hearing, should be vacated and the matter be remanded upon showing of the grounds enumerated in RCW 4.72.010 or CR60.

When the final decision providing for past, present or future support payments was based upon fraud or misrepresentation of facts by any witness pertaining to any defense provided for in WAC 388-11-065, the thirty-day period provided for herein shall be tolled until the date of discovery of the fraud or misrepresentation.

In the event no petition for review is made as provided herein by any party, the initial decision and order of the hearing examiner shall be final as of the date of filing and becomes the decision and order of the department. No appeal may be taken therefrom to the courts and the debt created is subject to collection action.

After receipt of a petition for review, the secretary or the secretary's designee shall consider the initial decision and order, the petition or petitions for review, the record or any part thereof and such additional evidence and argument as he may in his or her discretion allow. The secretary or the secretary's designee may remand the proceedings to the hearing examiner for additional evidence or argument. The secretary or the secretary's designee may deny review of the initial decision and order and thereupon deny the petition or petitions at which time the initial decision and order shall be final as of the date of said denial and all parties shall forthwith be notified, in writing, of said denial by certified mail to the last known address of the parties. Unless the petition is denied, the secretary or the secretary's designee shall review the initial decision and order and shall make the final decision and order of the department. The final decision and order shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law. The initial findings of fact, conclusions of law, and decision and order shall not be modified unless the findings of fact are unsupported by substantial evidence in view of the entire record and/or unless the applications of law in the initial decision are incorrect in the reasoned opinion of the review examiner. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal by certified mail to the last known address of the party. The decision and order shall authorize collection action, as appropriate, under RCW 74.20A.

AMENDATORY SECTION

WAC 388-11-120 DEFAULT. If the responsible parent fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter ((a)) an initial decision and order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. ((Prospective modification pursuant to WAC 388-11-140 may also be ordered when appropriate as to that portion of the original determination for periodic future support payments. It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to an original determination for periodic future support payments which determination was made by allegation of ability to pay based on the best information available.))

AMENDATORY SECTION

WAC 388-11-130 DECISION AND ORDER AFTER HEARING. The hearing examiner shall, within twenty days of the hearing, enter findings, conclusions, and an initial decision determining liability and responsibility and/or future periodic support payments. The determination of the hearing examiner entered pursuant to this section if not reviewed, or the final decision if there is a review shall be entered as a decision and order and shall limit the support debt under chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., RCW 74.20A.030, 74.20.040 ((74.20.292)) and/or 26.16.205 and/or 74.20A.250 to the amount stated in said decision. Said decision establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the hearing order or decision.

AMENDATORY SECTION

WAC 388-11-140 MODIFICATION. ((Either the responsible parent or the office of support enforcement may petition the secretary or his designee, the office of hearings, for issuance of an order to appear and show cause based upon a showing of good cause and material change in circumstances to require the other party to appear and show cause why the decision previously entered ordering periodic future support payments, or final determination for periodic future support payments pursuant to WAC 388-11-050, should not be prospectively modified. PROVIDED, HOWEVER, That either party need not show a material change in circumstances where the final determination for periodic future support payments was based on fraud or a misstatement of facts by any witness, pertaining to the ability of the responsible parent to pay support. Said order to appear and show cause together with a copy of the affidavit upon which the order is based shall be served in the manner of a summons in a civil action on the other party by the petitioning party. A hearing, which shall be a contested case, shall be set not less than fifteen days nor more

than thirty days from the date of service unless extended for good cause shown. Prospective modification may be ordered, but only upon showing of good cause and material change in circumstances except as provided in WAC 388-11-050 and 388-11-120. An order to appear and show cause under this modification provision may not issue unless the previous order for periodic future support payments to which modification is requested was entered pursuant to RCW 74.20A.055 and there is the absence of a superior court order for support. The hearing examiner, on petitions to modify, shall consider the standards promulgated pursuant to RCW 74.20.270 and any standards for determination of support payments used by the superior court of the county of residence of the responsible parent. If the party ordered to appear and show cause why a decision previously entered should not be prospectively modified fails to appear at the hearing, the hearing examiner shall enter an order dismissing the petition for modification. The hearing examiner may set the effective date of prospective modification as either the date of entry of the order or the date of receipt of the petition or any time in between, but if no effective date is set, the effective date shall be the date of entry of the order. Any decision and order under this section shall be an initial decision by the hearing examiner subject to a petition for review by the secretary or his designee pursuant to the procedure in WAC 388-11-100.

Based upon a showing of good cause and a material change in circumstances, either the responsible parent or the office of support enforcement may petition the secretary or the secretary's designee to issue an order requiring the responding party to show cause why a decision previously entered determining responsibility for periodic future support payments, or a final determination for periodic future support payments pursuant to WAC 388-11-050, ought not be prospectively modified. The petition must be accompanied by a supporting affidavit setting forth the particular facts relied upon. On receipt of the petition and affidavit, the secretary or the secretary's designee shall issue to the petitioner the show cause order setting forth the time, date, and place of the show cause hearing.

The hearing shall be a contested case, shall be set not less than fifteen days nor more than thirty days from the date of service unless extended for good cause shown.

The petitioner shall serve the responding party with a copy of the petition, affidavit, and show cause order in the manner of a summons in a civil action or by certified mail, return receipt requested.

An order to appear and show cause under this modification provision may not issue unless the previous decision of which modification is requested was entered pursuant to RCW 74.20A.055 and there is no superior court order for support. The hearing examiner, on petitions to modify, shall consider the standards set forth in WAC 388-11-100. If the responding party fails to appear at the hearing, the hearing examiner shall grant relief as a default order based upon the prayer for relief in the petition and affidavit. Within thirty days of entry of the default order, the defaulting party may petition the secretary or the secretary's designee pursuant to



WAC 388-11-105 to vacate the default order upon a showing of any of the grounds enumerated in RCW 4.72.010 or CR 60. If the petitioner fails to appear at the hearing, the hearing examiner shall enter an order dismissing the petition for modification. The hearing examiner may set the effective date of prospective modification as either the date of entry of the order or the date of receipt of the petition or any time in between, but if no effective date is set, the effective date shall be the date of the entry of the order. Any decision and order under this section shall be an initial decision by the hearing examiner subject to a petition for review by the secretary or the secretary's designee pursuant to WAC 388-11-105.

It shall not be necessary for the responsible parent or the office of support enforcement to show material change of circumstances if prospective modification is sought as to a final determination for periodic future support payments pursuant to WAC 388-11-050.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

WAC 388-11-145 NOTICE TO APPELLANT. It shall be the responsibility of the appellant to notify the department of his or her mailing address at the time the request for hearing is made and also to notify the department of any subsequent change of mailing address during the pendency of the appeal including any review by the courts.

Whenever the department has notified the appellant of this responsibility, mailing by the department by certified mail to the appellant's last known address constitutes service of notice under WAC 388-11.

#### AMENDATORY SECTION

WAC 388-11-150 CONSENT ORDER. In the absence of a superior court order, informal disposition of any contested case or petition or order to show cause ((or)) for modification wherein a debt is claimed pursuant to chapter 171, sections 17 and/or 22, Laws of 1979, 1st ex. sess., ((RCW 74.20.292,)) RCW 74.20.040, RCW 74.20A.030, RCW 26.16.205 and/or RCW 74.20A.250 is encouraged where feasible and not specifically precluded by law. Informal disposition on consent order shall be deemed to be a request for hearing granting jurisdiction to the hearing examiner to approve said consent order without the necessity of testimony or hearing, upon presentation by the office of support enforcement ((section)). ((Provided, that)) A duly executed consent order shall be deemed to be an initial decision of the hearing examiner: PROVIDED, That if said negotiation as to a consent order is commenced within twenty days of service on the responsible parent of the notice and finding of financial responsibility, and such negotiations fail, a hearing shall be scheduled and held within thirty days of the breakdown of negotiations.

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

#### AMENDATORY SECTION

WAC 388-11-180 PROCEDURAL REFERENCE. The following WAC provisions are herewith included in this section and made applicable to hearings held pursuant to RCW 74.20A.055:

##### WAC

388-08-055	388-08-235
388-08-083	388-08-375
388-08-150	388-08-390
388-08-160	388-08-400
388-08-170	388-08-480
388-08-180	388-08-490
388-08-190	388-08-500
388-08-200	388-08-520
388-08-210	388-08-600
388-08-220	

In determining the validity of defenses to liability asserted pursuant to ((RCW 74.20A.030 and/or 74.20.292)) WAC 388-11-065 (5) other provisions of the Washington Administrative Code shall be applied ((to determine emancipation and determine defenses asserted pursuant to WAC 388-11-065(5))).

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-11-020
- (2) WAC 388-11-110

Chapter 388-13

#### RECOVERY OF SUPPORT PAYMENTS

#### NEW SECTION

WAC 388-13-010 DEBT, ASSIGNMENT, RECOUPMENT, SET-OFF. (1) Chapter 171, sections 17 and 18, Laws of 1979, 1st Ex. Sess., provide that a custodian of children or other person who receives support moneys which moneys were paid, in whole or in part, in satisfaction of a support obligation owing to the department pursuant to 42 USC 602(a)(26)(A), chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., or RCW 74.20A.030 has a duty to remit said moneys to the office of support enforcement within eight days of receipt by the custodian or other person and is indebted to the department in an amount equal to the amount of the support money received and not remitted.

(2) By not remitting support moneys described in (1) above, a custodial parent or other person is deemed, without the necessity of signing any document, to have made an irrevocable assignment to the department of an equal amount of any support delinquency not already assigned to the department, but owing to the custodial parent or other person, or an equal amount of any support delinquencies which may accrue in the future. The office of support enforcement is authorized to utilize the collection procedures of RCW 74.20A to collect this assigned delinquency, satisfying the obligation owed under paragraph (1) above by the custodial parent or other person.

(3) The office of support enforcement may also make a set-off to effect satisfaction of the debt under (1) above from support moneys in its possession or in the

possession of a county clerk or other forwarding agent if said moneys were paid to satisfy a support delinquency.

(4) Action may be taken alternatively or simultaneously under (1), (2) and (3) above but in no event may the department recoup and retain more moneys than the debt described under (1) above, refunding the excess, without deduction of fees, to the custodian of the children.

#### NEW SECTION

WAC 388-13-020 NOTICE OF SUPPORT DEBT. The notice of support debt shall set forth:

(1) The amount of support moneys claimed by the department as property of the department by assignment, subrogation or by operation of law or legal process under chapter 74.20A RCW; .

(2) The legal basis for the claim of ownership by the department;

(3) A description of the person, firm, corporation, association or political subdivision who is or has been in possession of the support moneys together with sufficient detail to enable identification of the moneys in issue;

(4) A statement that, effective with the date of service of the notice, all moneys not yet disbursed or spent and all like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested;

(5) A statement that the notice shall be answered, under oath and in writing, within twenty days of the date of service of the notice;

(6) A statement that the answer made under (5) above shall include true answers to the matters inquired of and that said answer shall also acknowledge the department's right to the moneys or request an administrative hearing to determine ownership of the moneys in issue;

(7) A statement that the burden of proof in said hearing is on the department to establish ownership of the support moneys claimed;

(8) A statement that, if the person, firm, corporation, association or political subdivision or officer or agent thereof fails to answer and/or make a request for hearing in a timely manner, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW; and

(9) A statement that a support debt, as assessed and determined, is subject to collection action and that the property of the debtor, without further advance notice or hearing, is subject to lien and foreclosure, distraint, seizure and sale, or order to withhold and deliver to satisfy debt: **PROVIDED**, That no collection action may be taken against a recipient of public assistance during the period of time the recipient remains on assistance.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

WAC 388-13-030 SERVICE OF NOTICE OF SUPPORT DEBT. The notice of support debt shall be served on the person, firm, corporation, association, or

political subdivision or any officer or agent thereof by the office of support enforcement or its agent in the manner prescribed for the service of a summons in a civil action, or by certified mail, return receipt requested. The receipt shall be prima facie evidence of service.

#### NEW SECTION

WAC 388-13-040 FAILURE TO MAKE ANSWER OR REQUEST FOR HEARING. If the person, firm, corporation, association, or political subdivision or any officer or agent thereof served with a notice of support debt fails to answer, in a timely manner, the claim of the department shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW.

#### NEW SECTION

WAC 388-13-050 PETITION FOR HEARING AFTER TWENTY DAYS—STAY. (1) The person, firm, corporation, association, political subdivision or any officer or agent thereof served with a notice of support debt at any time within one year from the date of service of said notice may petition the secretary or the secretary's designee for a hearing, as provided for but not previously granted pursuant to WAC 388-13-070, upon a showing of any of the grounds enumerated in RCW 4.72.010 or CR 60. A copy of said petition shall also be served by certified mail, return receipt requested, or by service in the manner of a summons in a civil action on the district field office of the office of support enforcement. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on an appeal made pursuant to chapter 34.04 RCW.

(2) Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future, to which the department may have a claim, shall be held in trust pending the final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

(3) If a request for hearing is received, the department shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his or her representative by certified mail.

The department shall notify the appellant that it is his or her responsibility to notify the department of his or her mailing address at the time of the request for hearing and also of any change of address after this request for hearing is submitted. Mailing by certified mail, return receipt requested, to the last address provided by the appellant shall constitute service pursuant to RCW 74.20A and RCW 34.04.

The hearing shall be promptly scheduled within thirty days of the date of receipt of the request for hearing. If the time, date or place is inconvenient to either party,

the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause.

#### NEW SECTION

**WAC 388-13-060 TIMELY REQUEST FOR HEARING.** Any debtor who objects to all or any part of a notice of support debt shall have the right, for not more than twenty days from the date of service of the notice of support debt, to request in writing, a hearing, which request shall be served upon the district office of the office of support enforcement by certified mail or by personal service. A request for hearing, pursuant to this section, shall be construed to be a general denial of liability to the department. The execution of the notice of support debt shall be stayed pending the final decision on such hearing. If a request for hearing is received, the department shall notify the appellant, his attorney, or other designated representative, of the date, time and place of the hearing, at least twenty days prior to the date thereof by written notice to the appellant or his or her representative by certified mail.

The department shall notify the appellant that it is her or her responsibility to notify the department of his or her mailing address at the time of the request for hearing and also of any change of address after this request for hearing is submitted. Mailing by certified mail, return receipt requested, to the last address provided by the appellant shall constitute service pursuant to RCW 74.20A and RCW 34.04.

The hearing shall be promptly scheduled within thirty days of the date of receipt of the request for hearing. If the time, date or place is inconvenient to either party, the hearing examiner may grant a new time, date or place as is reasonably convenient upon a showing of good cause.

#### NEW SECTION

**WAC 388-13-070 HEARING—INITIAL DECISION.** (1) If the hearing is granted, it shall be an administrative hearing limited to the determination of the ownership of the moneys claimed in the notice of support debt. The right to the hearing is conditioned upon holding any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings or during any appeal to the courts. The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

(2) The hearing shall be a contested case as provided for in chapter 34.04 RCW and shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department.

(3) The hearing shall be promptly scheduled within thirty days from the date of receipt by the office of support enforcement of the answer/request for hearing by the department. The hearing shall be conducted by a duly qualified hearing examiner appointed for that purpose. Hearings may be held in the county of residence of the debtor or other place convenient to the debtor.

(4) The department shall have the burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent.

(5) After evidence has been presented at a hearing conducted by a hearing examiner, the hearing examiner shall enter an initial decision and order which shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall make his/her decision and enter his/her findings of fact based upon the evidence admitted at the hearing. The office of support enforcement shall have the right to orally amend the notice of support debt, at the time of hearing, to conform to the evidence in which case the hearing examiner is empowered to grant a continuance, when deemed necessary, to allow the debtor additional time to present rebutting evidence and/or argument as to the amendment.

(6) The hearing examiner shall file the original of the initial decision and order, signed by him/her, with the secretary or the secretary's designee and copies thereof shall be mailed by the hearing examiner to the office of support enforcement and to the debtor by certified mail to the last address provided by each party.

(7) To the extent they do not conflict with these rules or chapter 171, section 18, Laws of 1979, 1st Ex. Sess., the provisions of WAC 388-11 and RCW 74.20A.055 shall apply to this process.

#### NEW SECTION

**WAC 388-13-080 REVIEW OF INITIAL DECISION.** The review process provided for in WAC 388-11-105 shall apply to actions under this chapter.

#### NEW SECTION

**WAC 388-13-090 LIMITATION ON PROCEEDING.** (1) The office of support enforcement may not take collection action under WAC 388-13 during such period of time as the public assistance recipient remains in that status.

(2) Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under WAC 388-13.

#### NEW SECTION

**WAC 388-13-100 ACKNOWLEDGMENT OF DEBT.** If the responsible parent makes answer to the notice of support debt acknowledging that the department owns the support payments in issue, the office of support enforcement, if the debtor fails to pay said debt within twenty-one days of the date of receipt of said answer, shall be authorized to take collection action pursuant to 74.20A RCW.

#### NEW SECTION

**WAC 388-13-110 DEFAULT.** (1) If the debtor fails to appear at the hearing, the hearing examiner shall, upon a showing of valid service, enter an initial decision and order declaring the amount of the support

moneys, as claimed in the notice, to be assessed and determined and subject to collection action.

(2) Within thirty days of entry of the decision and order in (1) above, the debtor may petition the secretary or the secretary's designee to vacate the decision and order and remand the matter upon the showing of any of the grounds enumerated in RCW 4.72.010 or CR 60.

#### NEW SECTION

WAC 388-13-120 PROCEDURAL REFERENCE. (1) WAC 388-11-145, WAC 388-11-150 and WAC 388-11-180 and all procedural references in that last section shall apply to actions under this chapter.

(2) Any provisions of WAC 388-11 not in conflict with these rules or chapter 171, section 17 or 18, Laws of 1979, 1st Ex. Sess., shall apply to actions under this chapter.

#### AMENDATORY SECTION

WAC 388-14-020 DEFINITIONS. (1) The terms "applicant/recipient," "applicant," or "recipient" include the caretaker relative, the children, and any other individual whose needs are considered in determining the amount of assistance. See also WAC 388-22-030.

(2) The term "applicant/custodian" shall designate the individual who is the physical and legal custodian of any person(s) on whose behalf an application for nonassistance support enforcement services has been made to the office of support enforcement pursuant to RCW 74.20.040 and 74 USC 654(6) or 42 USC 657(C)(1)(2).

(3) The term "absent parent" shall designate that person who:

- (a) Is not the physical custodian of the child; and
- (b) Is a natural, or adoptive parent, or a stepparent who owes a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance or application has been made for nonassistance support enforcement services ((and/or owe a support obligation for the applicant/recipient or owes any other payments or property to the applicant/recipient or child(ren))).

(4) "Putative father" as used in this section shall include any and all men who may possibly be the father of the child(ren) on whose behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200(2)(b).

(5) "Aid" means aid to families with dependent children(, emergency assistance,) or AFDC foster care.

(6) "Title IV-D" refers to Title IV-D of the social security act established under Title XX of the social security amendments and as incorporated in 42 USC (602).

(7) "Title IV-D plan" refers to a plan established under the conditions of Title IV-D approved by the secretary, department of health, education and welfare.

(8) (~~"Bonus payment" is defined as payment to the family of the monies provided for in WAC 388-14-270(2)(a).)~~ The "required support obligation for the current month" is defined as the amount of a superior court order for support or the periodic future support

amount determined pursuant to chapter 388-11 WAC which is or will be owing for the current month.

(9) "Incentive payments" are payments distributed pursuant to WAC 388-14-370 to prosecuting attorneys or other political subdivision on the basis of enforcement and collection of support payments.

(10) "Secretary" means the secretary of the department of social and health services, his/her designee or authorized representative, which for all purposes as used in RCW 74.20A shall mean the designee of the secretary, the chief, office of support enforcement or his designee, except as is provided for in WAC 388-11-011 (5) wherein for purposes of RCW 74.20A.055 "Secretary" has another meaning.

(11) "Family" shall mean the person or persons on behalf of whom support is sought which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

#### AMENDATORY SECTION

WAC 388-14-200 ELIGIBILITY—ASSIGNMENT OF SUPPORT RIGHTS—COOPERATION WITH OFFICE OF SUPPORT ENFORCEMENT—EFFECT OF NONCOOPERATION. This section establishes the initial and continuing requirements which affect eligibility for aid to families with dependent children.

(1) Beginning August 1, 1975, as a condition of eligibility for assistance, each applicant/recipient shall make assignment to the office of support enforcement of any and all right, title, and interest in any support obligation the applicant/recipient may have in his or her own behalf or in behalf of any other family member for whom the applicant/recipient is applying for or receiving financial assistance including rights to support which have accrued at the time such assignment is executed.

~~(a) Each ongoing applicant/recipient after August 1, 1975 must make this new assignment. Assignments will be necessary as a condition of continued aid due no later than the date of the next eligibility review. See WAC 388-24-108.~~

~~(b) The new assignment must be made before the applicant/recipient is eligible to receive bonus payments.~~

(2) When (1), above is satisfied, cooperation is further required as a continuing condition of eligibility for assistance unless the ((ESSO)) CSO determines that the applicant/recipient has good cause not to cooperate under WAC 388-24-111. Cooperation includes identifying and locating absent parents including possible putative fathers, and in establishing paternity of a child or children, and/or in obtaining support payments or any other payments or property due the applicant/recipient or child(ren) as further provided below:

(a) Cooperation in identifying and locating absent parents including putative fathers includes, but is not limited to:

(i) Providing all known relevant information such as the absent parent's name including known aliases, address, telephone or message number, social security number, employment history, physical description, and data regarding the date and place of marriage, separation, divorce, ((and)) or dissolution including copies of

any documents and any court orders establishing paternity and/or support obligations(, -if any)). Information must be given at the time of application and/or at a later time if requested by the office of support enforcement to supplement existing information;

(ii) Providing notice to the office of support enforcement of any and all necessary information concerning the absent parent(s), including all (~~(men who could possibly be the))~~ putative fathers of a child on whose behalf the recipient applied for or receives public assistance, and also providing notice of changes in the information and/or notice of new information as available.

(b) Cooperation in establishing the paternity of a child or children including, but not limited to: taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under chapter 171, section 19, Laws of 1979, 1st Ex. Sess., courts or other agencies, in administrative hearings, or in actions to prosecute or maintain any legal action or remedy for the establishment of paternity or in investigations preparatory to or supplementary to such hearings or actions, and to develop medical and anthropological evidence relating to the alleged father's paternity based upon tests performed by experts on the mother and the child: PROVIDED, That when a custodial mother has informed the department that a particular man is the father of her child, the department shall make no further inquiry into her personal life unless the man so identified has denied that he is the father of such child.

(c) Cooperation in establishing and collecting support and/or in obtaining support payments or any other payments or property due the applicant/recipient or child(ren) includes taking all reasonable action in cooperation with the office of support enforcement, the prosecuting attorneys, the attorney general, private attorneys compensated under chapter 171, section 19, Laws of 1979, 1st Ex. Sess., courts or other agencies in administrative hearings or in actions to prosecute or maintain any legal action or remedy for the establishment or collection of support obligations or in investigations preparatory to or supplementary to such hearings or actions.

(d) Cooperation in the obtaining of support payments further includes but is not limited to:

(i) Providing of specific information at the time of application to establish the amount of the support debt accrued to the applicant/recipient prior to application for assistance.

(ii) (~~(Immediate remittance))~~ Remittance of all support payments received by the applicant/recipient from any person or agency to the office of support enforcement within eight days of receipt of said payments.

(3) If the applicant/recipient fails to cooperate as defined above the caretaker/relative shall be ineligible to receive assistance and any assistance for which the children may be eligible shall be provided by protective payment as specified in WAC 388-33-453; the determination of requirements for the child(ren) shall be computed without regard to the requirements of the caretaker/relative.

(4) If support monies are not (~~(promptly))~~ remitted within eight days of receipt and protective payments

have been established without regard to the requirements of the caretaker/relative pursuant to WAC 388-33-453, the office of support enforcement may enter into a written agreement with the caretaker/relative for satisfaction of the obligation of remittance of support payments by monthly installment payments to the office of support enforcement in amounts not less than ten percent of the original amount not remitted. If a caretaker/relative makes such an agreement for satisfaction and is restored to grant status and fails to make the required monthly payments or again fails to (~~(promptly))~~ remit support (~~(monies))~~ moneys received direct within eight days of receipt, said recipient is subject to WAC 388-33-453 and thereafter may establish cooperation under this subsection only by remittance to the office of support enforcement of the full amount of support (~~(monies))~~ moneys received.

(5) In the event of failure to cooperate under the requirements of this section and/or WAC 388-24-108 and/or WAC 388-24-109, "aid to families with dependent children" does not mean payments with respect to a parent (or other individual whose needs should be considered in determining the need of the child(ren) or relative claiming aid) of a child or children. Nothing in these rules shall be construed to make an otherwise eligible child ineligible for protective payments because of the failure of such parent (or such other individual) to cooperate or make assignment.

#### AMENDATORY SECTION

WAC 388-14-210 SUPPORT PAYMENTS TO OFFICE OF SUPPORT ENFORCEMENT. (1) All support (~~(payments on behalf of a child for whom public assistance is being))~~ moneys paid to satisfy a support obligation assigned to the department shall be made through the office of support enforcement. See RCW 74.20.101.

(2) (~~(Any and all))~~ All support (~~(payments))~~ moneys routed directly to a recipient of public assistance, or to another on behalf of a recipient of public assistance, by any person or agency other than the office of support enforcement shall be (~~(immediately))~~ remitted by the recipient or other person or agency to the office of support enforcement within eight days of receipt of the payment.

#### AMENDATORY SECTION

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS—PUBLIC ASSISTANCE. All payments collected as support (~~(received))~~ on behalf of persons receiving public assistance in the state of Washington for whom an assignment is made under WAC 388-24-108 and WAC 388-14-200 shall be distributed under the following conditions:

(1) The following provisions apply to this section:

(a) All payments will be reported in exact amounts without rounding.

(b) The date of collection shall be the date on which the payment is received by the office of support enforcement or the political subdivision making the collection under agreement and on behalf of the office of support

enforcement. For interstate collections, the date of collection shall be the date on which the payment is received by the IV-D agency of the state in which the family is receiving aid.

(c) The amounts collected as support during periods of time when aid is being provided, shall, for the purposes of this distribution section only, be treated first as payment on the required support obligation for the month in which support was collected.

~~(d) The current month's support obligation is defined as the amount of a superior court order for support or the future periodic support amount determined pursuant to chapter 388-11 WAC.~~

~~((e)) (d) Amounts collected which are paid (in frequencies other than monthly) more frequently than once a month shall be converted to an amount which represents payment on the required support obligation for the current month. The office of support enforcement is directed to distribute payments periodically to give effect to efficient administration.~~

~~((f)) (e) Any amounts distributed to the family will be reported to the (local office) community service office identifying whether or not the payment is (exempt or nonexempt) available to meet need.~~

~~((g)) (f) Any amounts collected which represent support shall be used to reduce dollar for dollar the amount of the support obligation as defined in WAC 388-14-100.~~

~~((h)) (g) No distribution may be made under subdivision (2)(a) unless a new assignment has been made pursuant to WAC 388-24-108 and WAC 388-14-200.~~

(2) The amounts collected as support by the IV-D agency pursuant to the state plan for children who are current recipients of aid under the state's Title IV-A plan by the office of support enforcement and for whom ~~((as))~~ assignment under WAC 388-24-108 and 388-14-200 is effective shall be distributed as follows:

~~(a) Of any amount that is collected in a month which represents payment of the required support obligation for that month, 40 percent of the first \$50 of such amount shall be paid to the family. This payment may not be used in determining the amount paid, if any, to the family in subdivision (2)(c). If the amount collected includes payment of the required support obligation for a previous month or months, the family shall only receive 40 percent of the first \$50 of the amount which represents the required support obligation for the month in which support was collected. If amounts are collected for one family which represents support payments from two or more absent parents, only 40 percent of the first \$50 of the amount collected which represents the total required support obligation for the month in which the support was collected shall be paid to the family under this subdivision. No payment shall be made to a family under this subdivision for a month in which there is no child support collection. The requirements of this subdivision shall not be applicable after September 30, 1976.~~

~~((b)) (a) Any amount that is collected in a month which represents payment on the required support obligation for that month ((and, prior to October 1, 1976,~~

~~is in excess of the amount paid to the family under subdivision (2)(a)) shall be retained by the State to reimburse, in whole or in part, the assistance payment for the month in which the child support was collected or the next month. Of the amount retained by the State as reimbursement for that month's assistance payment, the office of support enforcement shall determine the Federal government's share of the amount so retained so the IV-A agency may reimburse the Federal government to the extent of its participation in the financing of the assistance payment. From the Federal government's share, the office of support enforcement shall deduct and pay the incentive payments, if any, prescribed in WAC 388-14-370.~~

~~((c)) (b) If the amount collected is in excess of the amount required to be distributed under ((subdivisions)) subdivision (2)(a) ((and (2)(b))), the family shall be paid such excess up to the difference between the assistance payment for the month in which the amount of the collection was used to redetermine eligibility for an assistance payment under the State's Title IV-A plan and the court ordered amount for that month. This payment shall be made in the month following the month in which the amount of the collection was used to redetermine eligibility for an assistance payment under the State's Title IV-A plan. If such court ordered amount is less than such assistance payment, no amount shall be paid to the family under this subdivision. In cases in which there is no court order, the family shall not be paid any amount under this subdivision.~~

~~((d)) (c) If the amount collected is in excess of the amounts required to be distributed under subdivisions (2)(a)((;)) and (2)(b), ((and (2)(c;))) any such excess shall be retained by the state as reimbursement for past assistance payments made to the family for which the State has not been reimbursed. The State may apply the amount retained to any sequence of months for which it has not yet been reimbursed. Of the amount retained by the State as reimbursement of past assistance payments, the office of support enforcement shall determine the Federal government's share of the amount so retained so the IV-A agency may reimburse the Federal government to the extent of its participation in the financing of the assistance payments. From the Federal government's share, the office of support enforcement shall deduct and pay the incentive payment, if any, prescribed in WAC 388-14-370. If past assistance payments are greater than the total support obligation owed, the maximum amount the State may retain as reimbursement for such assistance payments is the amount of such obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the family received assistance under the State's Title IV-A plan, in which case such amounts shall be retained by the State to reimburse the difference between such support obligation and such assistance payments.~~

~~((e)) (d) If the amount collected is in excess of the amounts required to be distributed under subdivisions (2)(a), (2)(b), and (2)(c), ((and (2)(d;))) such excess shall be paid to the family. This payment shall be made in the month following the month in which the amount~~



of the collection was used to redetermine eligibility for an assistance payment under the State's Title IV-A plan.

(3) If an amount collected as child support represents payment on the required support obligation for future months, the amount shall be applied to such future months. However, no such amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned under WAC 388-24-108 and WAC 388-14-200 for the current month and all past months.

(4) Any amount paid under subdivisions ~~((2)(a); (2)(c) or (2)(e))~~ (2) (b) and (2) (d) shall be identified as not being an assistance payment.

(5) Whenever the office of support enforcement is making collections on delinquent support assigned to the department pursuant to WAC 388-24-108 and WAC 388-14-200, the office of support enforcement may pay to the family pursuant to WAC 388-14-250 from said collections an amount equal to the monthly amount owed for current support as established by either the superior court order for support or the administrative order or final determination entered pursuant to WAC 388-11:

(a) Payments to the family pursuant to this subsection may be made only during the four months following the last month in which aid was paid and thereafter for months subsequent to the submission and acceptance of a nonassistance support enforcement application pursuant to WAC 388-14-300 through WAC 388-14-315;

(b) Payments may not be made for months in which no collections have been made on the delinquent support assigned and payments may not be made for a person from collections on the delinquent support assigned by a different person;

(c) Payments may only be made to a person if the person is owed an unpaid current support obligation for the month in which the payment is made.

(d) The department has, upon making any such payment, an additional assignment by operation of law of the unpaid current support obligation owed to the person for whom the payment is made for the month in which the payment is made. The office of support enforcement shall take action to collect this assigned unpaid obligation to reimburse the department and/or the federal government for the payment made.

#### AMENDATORY SECTION

##### WAC 388-14-302 NONASSISTANCE SUPPORT ENFORCEMENT—PERSONS ELIGIBLE.

(1) Any ~~((person who is a))~~ resident of the state of Washington ~~((who is not a recipient of public assistance))~~ who is a physical and legal custodian or guardian of a person who is a resident of the state of Washington and who is not a recipient of public assistance for whom a support obligation is owed and who is not receiving adequate support (as defined by WAC 388-14-100) from ~~((a person))~~ persons owing a duty to pay support may apply for nonassistance support enforcement services to establish or enforce or collect an obligation for support including accrued arrears~~((:));~~ ~~((provided;))~~ Provided, that the office of support enforcement may

also act to establish paternity where it is a necessary part of establishing ~~((a))~~ support ~~((obligation))~~ obligations for nonassistance ~~((recipients))~~ clients. When the ~~((person))~~ person(s) owing the duty to pay support is deceased or is eligible for or receiving old age or disability insurance benefits, public assistance ~~((monies))~~, moneys ~~((or))~~ supplemental security income, or is participating in any other governmental, private charity or other rehabilitation program providing benefits at less than the standards in WAC 388-29-100, the application cannot be accepted.

(2) Any person who has been provided support enforcement services as a result of an approved application for public assistance may also apply for nonassistance support enforcement services ~~((at any time after the))~~ effective with the date of termination of public assistance. An application made prior to termination shall not be effective until the first of the month following termination from assistance. Support enforcement services may be continued by the office of support enforcement for a period of time not to exceed ~~((three))~~ four months following ~~((termination of))~~ the last month in which public assistance was paid as a continuation of actions maintained as a result of an assignment pursuant to WAC 388-24-108 and WAC 388-14-200. During such ~~((three))~~ four month period, all support ~~((monies))~~ moneys collected except those collected to satisfy arrears ~~((owed))~~ assigned to the department under ~~((RCW 74-20-292))~~ chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., 42 USC 602 (a)(26)(A), RCW 74.20A-.250 and/or RCW 74.20A.030 shall be remitted to the children's custodian without deduction of fees for nonassistance services.

#### AMENDATORY SECTION

WAC 388-14-305 NONASSISTANCE SUPPORT ENFORCEMENT—APPLICATION. (1) A person desiring nonassistance support enforcement services shall complete the appropriate forms applying for the services and granting limited power of attorney to the office of support enforcement, department of social and health services. The necessary forms must be completed in full, dated, signed, and forwarded to the district office of support enforcement. Copies of divorce or dissolution decrees, support orders and modifications thereof, and any allied or related documents which reflect the marital and support status, shall be supplied by the applicant.

(2) The applicant shall also include or attach a statement of the amount of accrued arrears and list by date and amount all support payments received during the period of time when the arrears accrued. The office of support enforcement may require this statement to be by affidavit and where controversy exists the office of support enforcement may require the applicant/custodian to obtain a judgment determining all accrued arrears owed under a continuing order of support before proceeding further with collection efforts. Applications on which statements are incomplete, unclear or inconsistent will be returned to the applicant and no service will be provided until such time as the application is presented in acceptable form.

(3) The appropriate forms will be available at any ~~((local office))~~ community service office of the department of social and health services, or at any district office of support enforcement. The forms may be requested by phone, mail, or obtained personally.

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

#### AMENDATORY SECTION

WAC 388-14-310 NONASSISTANCE SUPPORT ENFORCEMENT—APPLICANT/CUSTODIAN'S ASSIGNMENT OF RIGHTS. (1) The applicant/custodian shall assign, for collection purposes only, the rights to support under RCW 26.16.205 or those rights to support accruing pursuant to a superior court order for support.

(2) The applicant/custodian shall also give consent to the office of support enforcement to take an assignment of earnings from the person owing a duty ~~((for))~~ to pay support; agree to ~~((promptly))~~ remit within eight days of receipt to the office of support enforcement ~~((monies))~~ support moneys received directly from the person owing a duty to pay support during the period of time support enforcement services are maintained; and give the office of support enforcement power of attorney to endorse checks, drafts and money orders representing support payable to said applicant.

(3) The applicant/custodian, during the time support enforcement services are in effect, must send or deliver all support income received from the person owing a duty to pay support to the office of support enforcement providing the service and direct any payor or forwarding agent of ~~((monies))~~ moneys to remit directly to office of support enforcement. In the event the applicant/custodian fails to forward such payments or so direct any payor or forwarding agent, the office of support enforcement may discontinue providing support enforcement services.

#### AMENDATORY SECTION

WAC 388-14-315 NONASSISTANCE SUPPORT ENFORCEMENT—FEES—LIMITATIONS.

(1) When requesting support enforcement services, the applicant/custodian shall agree that fees will be charged for the service, and from the ~~((monies))~~ moneys collected or received from the person owing the duty to pay support, the following fees shall be deducted:

- (a) Application (initial file preparation) \$20.00
- (b) Support enforcement service per month \$10.00

(2) ~~((However, no))~~ No fees may be charged for the ~~((three))~~ four-month period following the ~~((termination of))~~ last month in which public assistance was paid when support collection activities initiated on the basis of receipt of public assistance have been continued by the office of support enforcement as authorized by 42 USC 657(c) and WAC ~~((388-14-300))~~ 388-14-302(2).

(3) In no event shall the fees collected by the office of support enforcement exceed the amount of fees owed or

ten percent of the payments made by the person owing the duty to pay support, whichever is the lesser.

#### AMENDATORY SECTION

WAC 388-14-320 NONASSISTANCE SUPPORT ENFORCEMENT—DISTRIBUTION. (1) Current support payments received on behalf of the applicant/custodian in the ~~((three months))~~ four-month period following ~~((termination of an applicant/recipient from))~~ the last month in which public assistance was paid ~~((are))~~ shall be forwarded without deduction of fees to the applicant/custodian.

(2) Support payments received on behalf of the applicant/custodian are forwarded as received after the deduction of fees for services with a statement of the amount of support received and the amount of fees deducted.

(3) ~~((Provided, nothing))~~ Nothing herein shall be construed to obligate the office of support enforcement to remit to the applicant/custodian monies paid in satisfaction of a debt owed to the department under ~~((RCW 74.20.292))~~ chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., 42 USC 602 (a)(26)(A), RCW 74.20A.250 or RCW 74.20A.030, except as provided for in WAC 388-14-270(5). The total amount of any obligation that has accrued under the ~~((FV-D))~~ assignment made pursuant to WAC 388-24-108 and WAC 388-14-200 prior to termination of assistance is collectible by the office of support enforcement subsequent to termination of assistance to reimburse the department for public assistance paid prior to termination.

#### AMENDATORY SECTION

WAC 388-14-325 NONASSISTANCE SUPPORT ENFORCEMENT—TERMINATION OF SERVICES. (1) Support enforcement services may be terminated by the applicant/custodian:

(a) An applicant/custodian may terminate support enforcement service(s) by written notice to the office of support enforcement. The office of support enforcement's rights and responsibilities toward the applicant/custodian shall continue in effect until written notification is received.

(b) Upon receipt of the applicant/custodian's request for termination of support enforcement services, the office of support enforcement will discontinue such service. Any support ~~((monies))~~ moneys received which are owing to the applicant/custodian after the receipt of notice shall be returned to the payor with instructions to send all support ~~((monies))~~ moneys directly to the applicant/custodian or forwarding agent as appropriate.

(c) If an applicant/custodian has requested termination of support enforcement service(s) while a fee balance is still owing, the office of support enforcement may require payment of this balance as a condition precedent to the acceptance of any subsequent application for support enforcement service(s) by that applicant/custodian. However, this required payment is limited to a maximum of ten percent of any support money collected by the applicant/custodian during the period of time preceding the reapplication as the result of action taken by



the office of support enforcement preceding termination of services.

(2) Support enforcement services may be terminated or reapplications may be denied by the office of support enforcement:

(a) In cases where further action to enforce payment of a support obligation is deemed inappropriate or inadvisable by the office of support enforcement.

(b) In the event an applicant/custodian fails or refuses to provide supplementary information or fails or refuses to forward to the office of support enforcement payments made direct, or fails or refuses to take necessary cooperative action as specifically requested by the office of support enforcement or who employs and/or fails or refuses to discharge a private attorney, collection agency or other agency engaged in collection of the support debt assigned for collection to the department.

(c) In the event nonassistance support enforcement fees are raised and an applicant/custodian fails or refuses to complete a new request for nonassistance support enforcement services and limited power of attorney authorizing deduction of the increased fees.

(3) When the office of support enforcement terminates services, the applicant/custodian must be notified in writing that the office of support enforcement will no longer provide support enforcement services. Notification may be by regular mail addressed to the applicant/custodian's last known address and must include the reason for discontinuation of services.

(4) Any support monies received after a notice of decision by the office of support enforcement to discontinue support enforcement services has been mailed shall be returned to the payor with instructions to send all support ~~((monies))~~ moneys directly to the applicant/custodian or other forwarding agent, court, as appropriate.

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

#### AMENDATORY SECTION

WAC 388-14-365 REASSIGNMENT BY STATE ADMINISTERING AN APPROVED PLAN. A state administering a plan approved under Title IV-D of the Social Security Act may, on behalf of a resident of that state reassign to the office of support enforcement those support rights assigned to that state pursuant to ~~((42 USC 602(26)(A)))~~ 42 USC 602 (a)(26)(A) when those rights have accrued under an order of the superior court of the state of Washington or of a court of jurisdiction comparable to the superior court of the state of Washington. The office of support enforcement may utilize all remedies in chapter 74.20 RCW, and chapter 74.20A RCW to collect said reassigned rights.

#### AMENDATORY SECTION

WAC 388-14-370 COOPERATIVE ARRANGEMENTS WITH COURTS AND LAW ENFORCEMENT OFFICIALS. (1) The office of support

enforcement is herewith authorized to enter into cooperative arrangements and written agreements including financial arrangements with appropriate courts and law enforcement officials to assist the office of support enforcement in administering the state plan for support enforcement in order to assure optimum results under such program. These cooperative arrangements and written agreements also include entering into financial arrangements or agreements with such agencies and officials to provide for the investigation and prosecution of fraud directly related to paternity, child support, and other matters of common concern. ~~((The office of support enforcement is herewith authorized to enter into cooperative arrangements and written agreements with courts for the purpose of appointing attorneys to represent dependent children to establish support obligations and take other related collection and enforcement action pursuant to chapter 26.09 RCW.))~~

(2) The office of support enforcement shall receive and distribute funds made available as payments to states to administer this plan (42 USC 655). The office of support enforcement shall also administer and distribute incentive payments to localities (42 USC 658). No payments may be made to any political subdivision, court or law enforcement official of the state of Washington under these provisions except in compliance with the requirements of agreements made between the office of support enforcement and the political subdivision, court or law enforcement official pursuant to this section. No incentive payments to localities may be made except for enforcement and collection of support rights assigned pursuant to WAC 388-24-108.

(3) In order to qualify for payments to states or incentive payments to localities, a political subdivision, court or law enforcement official of the state of Washington must obtain referral of the case or cases involved from the office of support enforcement and all support payments made subsequent to referral shall be paid to the office of support enforcement. In the case of actions under the Uniform Reciprocal Enforcement of Support Act initiated in another state, a political subdivision or law enforcement official of the state of Washington may obtain referral status by submitting documents as determined by agreement, to the office of support enforcement for acceptance under this plan.

(4) When a political subdivision of the state of Washington acting in compliance with the terms of an agreement entered into with the office of support enforcement or when a IV-D agency of another state under an approved Title IV-D plan or a political subdivision of another state pursuant to the approved Title IV-D plan makes the enforcement and collection of the support rights assigned under 42 USC 602(a)(26)(A), or chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., the office of support enforcement is authorized to pay to such political subdivision or other IV-D agency the following amounts from the amounts which would otherwise represent the share of the moneys to be reimbursed to the federal government.

(a) An amount equal to 15 percent of any amount collected and retained by the state of Washington to reduce or repay assistance payments which represent payment on the required support obligation;

(b) When more than one agency or jurisdiction within the state of Washington or more than one state is involved in enforcement or collection the amount of incentive stated above shall be allocated among such jurisdiction in a manner prescribed by instructions issued by the office of child support enforcement of the department of health, education, and welfare.

### AMENDATORY SECTION

WAC 388-14-385 CONFERENCE BOARD. A conference board is herewith established to make inquiry into, determine facts and attempt to resolve matters in which a responsible parent, ~~((or))~~ custodial parent or other person feels aggrieved by actions taken by the office of support enforcement pursuant to chapters 74.20, 74.20A RCW, or Title IV-D of the Social Security Act (Title 42 USC).

The intent and purpose of the conference board is to facilitate the informal speedy resolution of grievances by responsible parents, ~~((and/or))~~ custodial parents or other persons. An applicant for a conference board proceeding must have made a reasonable attempt and have failed to resolve the grievance or issue with the ~~((time worker and/or lead worker))~~ workers before a conference board may act to attempt to resolve the issue.

~~((Upon application by an aggrieved person in accordance with this section a conference board may be called by the regional supervisor (or his designee) responsible for the case at issue. The board shall be composed of the regional supervisor (or his designee) who shall serve as chairman and two members appointed by the regional supervisor from supervisory staff of that region. The conference board shall dissolve upon issuance of decisions on matters for which it was appointed.))~~ The regional supervisor or his designee or the chief, office of support enforcement may assemble a conference board on application of the aggrieved person or on his own motion to investigate, find facts, and state or apply policy or law to the end of resolving grievances.

If the grievance or issue presented in an application for conference board does not involve a factual dispute, or if the disputed fact(s) even if resolved in favor of the applicant would not provide a basis upon which relief could be granted to the applicant by a conference board acting in accordance with the standards provided for herein, the regional supervisor or his designee may take such action as he/she deems appropriate and to that end he/she may individually exercise any of the authority provided for in this regulation. If an apparent factual dispute exists the conference board shall be composed of the regional supervisor or his designee, who shall serve as chairman, and two staff members appointed by the regional supervisor or his designee or alternatively the chief, office of support enforcement, may appoint the conference board from the staff of that region. The conference board shall dissolve upon issuance of decisions on matters for which it was appointed.

Nothing herein shall preclude the chief, office of support enforcement, from appointing a conference board for matters deemed appropriate.

The chairman of the conference board is herewith authorized as a duly appointed officer empowered to issue subpoena of witnesses, books, records, etc., as provided for in RCW 74.04.290 and shall have power to subpoena witnesses, administer oaths, take testimony, and compel the production of such papers, books, records, and documents as he deems relevant to the resolution of the grievance under consideration. Additional evidence may be taken by affidavit or other written submission when necessary or practicable together with written or oral argument. Persons having specific familiarity with the matter at issue or technical expertise with the subject may be designated to advise the board as required.

The conference board's jurisdiction shall include but shall not be limited to the following areas:

(1) Complaints as to the conduct of individual staff members while acting in the scope of their duties, ~~((the))~~ The decision of the board shall be directed to the first line supervisor for action as appropriate((?));

(2) Review of denial of application for/or termination of nonassistance support enforcement services;

(3) Review of allegations of error as to the distribution of support moneys;

(4) Resolution of amounts of arrears claimed due and rate of repayments;

(5) ~~((Requests for exception to the office of support enforcement's obligation to establish paternity of a child which may be granted whenever the case involves incest, forcible rape or whenever legal proceedings for adoption are pending and it would not be in the best interests of the child to establish paternity, waiver of cooperation in establishing and enforcing the support obligation where the custodial parent establishes that cooperation will likely result in physical harm to the child or caretaker,))~~ Requests to release or refund moneys taken pursuant to RCW 74.20A.080 to provide for the reasonable necessities of responsible parent or parents and minor children in their home;

(6) Requests for deferral of support enforcement action;

(7) Requests for partial or total charge-off of support arrears pursuant to RCW 74.20A.220 or declination to collect support arrears pursuant to RCW 74.20.040 on nonassistance cases;

(8) Any other matter requiring explanation of or application of policy or law to an issue ~~((raised-on))~~ in a specific case or clarification of facts in said case. ~~((requested by an aggrieved person or referred by the chief, office of support enforcement:))~~

The ~~((conference board's))~~ decision shall be in accordance with applicable statutes, case law, department of social and health services rules and regulations, published office of support enforcement manuals, support enforcement policy bulletins and the exercise of reasonable administrative discretion. The decision ~~((of the conference board which))~~ shall be in writing, ~~((shall represent the decision of a majority of the board))~~ and shall find the facts, applicable law, policies applied, and

clearly state the decision. If the decision is the result of a conference board, that decision shall represent the decision of a majority of the board. Decisions inconsistent with the above standards shall be vacated by the chief of the office of support enforcement and the issue remanded to the regional supervisor for issuance of a new decision in compliance with the standards.

A file of pertinent documents shall be established for each case and a copy of the decision, signed by the chairman, shall be distributed to the petitioning party, the appropriate office of support enforcement district field office for action consistent with the decision of the board, and the chief, office of support enforcement.

Decisions to grant partial or total charge-off pursuant to RCW 74.20A.220 of arrears owed to the department of social and health services under RCW 74.20A.030, 74.20A.250, chapter 171, sections 17 and 22, Laws of 1979, 1st Ex. Sess., or 42 USC 602 (a)26(A) shall be based on the following considerations which shall be found and stated in the written decision of the conference board fully justifying the action taken:

~~((1))~~ (1) Error in fact resulting in incorrect computation or incorrect establishment of the alleged debt in whole or in part; or

~~((2))~~ (1) Error in law or bona fide legal defects which materially diminish chances of collection; or

~~((3))~~ (2) Substantial hardship to minor children in the household of the responsible parent or other minor children for whom the responsible parent actually provides support which hardship is to be measured against income standards for public assistance and consideration of all available income, property and resources of the responsible parent and the necessity to apportion the income and resources of the responsible parent on an equitable basis with the children for whom the arrears accrued; or

~~((4))~~ (3) Costs of collection action in the future which are greater than the amount to be charged off; or

~~((5))~~ (4) Settlement from lump sum cash payment which is beneficial to the state considering future costs of collection and likelihood of collection.

The considerations and decision ~~((of the conference board))~~ shall not be a contested case subject to review by the superior court and the conference board process shall not be a substitute for any constitutionally or statutorily permitted hearing. Aggrieved parties may be represented before the board by a person of their choice but the department will not be responsible for any costs incurred by the aggrieved person in connection with the conference.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 79-15—Filed September 6, 1979]

I, James T. Hughes, director of Labor and Industries, do promulgate and adopt at the Director's office, Olympia, Washington, the annexed rules relating to Benzene, identical to OSHA—29CFR 1910.1028, Benzene, repealing WAC 296-62-07335.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is 29 CFR 1910.1028 Benzene, the new federal standard has been vacated. The standard was struck down by the appeals court and OSHA has reverted to their original Benzene standard 29 CFR 1910.1000. The state must enforce a standard on benzene at least as effective as 29 CFR 1910.1000, Table Z-2. The state has in effect WAC 296-62-07515, Table 2, Control of Chemical Agents; order 73-3, filed May 7, 1973.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 34.04.030, 34.04.040 and 49.17.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 6, 1979.

By James T. Hughes  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07335 BENZENE

**WSR 79-10-002**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order DE 79-9—Filed September 6, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the adopting of chapter 173-508 WAC—Instream Resources Protection Program—Cedar-Sammamish Basin, Water Resource Inventory Area (WRIA) 8, and repealing chapter 173-30 WAC—Minimum Water Flows—Cedar River.

This action is taken pursuant to Notice No. WSR 79-06-114 filed with the code reviser on June 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 90.54 and 90.22 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 5, 1979.  
By Elmer C. Vogel  
Deputy Director

Chapter 173-508 WAC  
INSTREAM RESOURCES PROTECTION PROGRAM—CEDAR-SAMMAMISH BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 8

NEW SECTION

WAC 173-508-010 **AUTHORITY.** This chapter is promulgated pursuant to chapter 90.54 RCW (Water Resources Act of 1971), chapter 90.22 RCW (Minimum Water Flows and Levels), and in accordance with chapter 173-500 WAC (Water Resource Management Program).

NEW SECTION

WAC 173-508-020 **PURPOSE.** The purpose of this chapter is to retain perennial rivers, streams, and lakes in Lake Washington drainages with instream flows and levels necessary to provide for preservation of wild-life, fish, scenic, aesthetic and other environmental values, navigational values, and to preserve water quality.

NEW SECTION

WAC 173-508-030 **CLOSURES AND INSTREAM FLOWS.** (1) The department of ecology has determined that additional diversions of water from the Lake Washington drainage system would deplete instream flows and lake levels required to support the uses described in WAC 173-508-020. Therefore, lakes and streams contributing to the Lake Washington drainage above the Hiram M. Chittenden Locks, excluding the Cedar River drainage, shall be closed to further consumptive appropriations. Regulation to protect instream flows in the Cedar River and its tributaries shall be undertaken pursuant to WAC 173-508-060.

(2) WAC 173-508-040—Table 1, includes specific named and unnamed surface water sources in Water Resource Inventory Area 8 with restrictions indicated. All tributaries in the Lake Washington drainage not specifically included in Table 1 are closed.

NEW SECTION

WAC 173-508-040 **TABLE 1. CEDAR-SAMMAMISH BASIN - WRIA 8**

<u>Stream or Lake</u>	<u>Tributary To</u>	<u>Restriction</u>
(Little) Bear Creek	Sammamish River	Closure
Cedar River (including tributaries)	Lake Washington	Instream Flow Levels
Coal Creek	Lake Washington	Closure
Cottage Lake Creek and tributaries, Bear Creek	Sammamish River	Closure
Evans Creek		Closure
Haller Lake	Thornton Creek	Closure
Issaquah Creek	Sammamish Lake	Closure
N. Fork Issaquah		Closure
E. Fork Issaquah		Closure
Unnamed Stream		Closure
Fifteen Mile Creek		Closure
Holder Creek		Closure
Carey Creek		Closure
Lake Washington	Puget Sound	Closure
Sammamish River	Lake Washington	Closure
Lake Sammamish	Sammamish River	Closure
Tibbetts Creek	Sammamish Lake	Closure
Pine Lake and Unnamed Stream (Pine Lake Creek)	Sammamish Lake	Closure
Laughing Jacobs Creek	Lake Washington	Closure
Larson Lake (including tributaries)	Lake Washington	Closure
Lyon Creek	Lake Washington	Closure
Martha Lake	Swamp Creek	Closure
May Creek	Lake Washington	Closure
McAleer Creek		Closure
Lake Ballinger (McAleer Lake)	Lake Washington	Closure
Mercer Slough	Lake Washington	Closure
Kelsey Creek		Closure
Kinsley Creek		Closure
Mercer Slough Creek		Closure
North Creek	Sammamish River	Closure
Silver Lake		Closure
Pipers Creek	Puget Sound	Closure
Rock Creek	Cedar River	Closure
Swamp Creek	Sammamish River	Closure
Unnamed Springs	Sammamish Lake	Closure
Unnamed Stream (11-26-3E)	Puget Sound	Closure
Unnamed Stream (12-24-5E)	Sammamish Lake	Closure
Unnamed Stream (Jones Creek)	Cedar River	Closure
Unnamed Stream (Juanita Creek)	Lake Washington	Closure
Unnamed Stream (Northrup Creek)	Lake Washington	Closure
Unnamed Stream (Wildcat Creek)	Sammamish River	Closure
Thornton Creek	Lake Washington	Closure

NEW SECTION

WAC 173-508-050 **GROUND WATER.** In future permitting actions relating to ground water withdrawals, the natural interrelationship of surface and ground waters shall be fully considered in water allocation decisions to assure compliance with the intent of this chapter.

NEW SECTION

WAC 173-508-060 **INSTREAM FLOWS FOR THE CEDAR RIVER.** (1) The instream flows established in this section apply to waters of the Cedar River and affect the entire watershed drained by the Cedar River including all tributaries thereto.

(2) Instream flows established in this section shall be measured at the existing U.S. Geological Survey gaging station No. 12.1190.00 on the Cedar River at Renton, Washington.

(3) Except as provided herein (critical year flows), water flows in the Cedar River and tributaries thereto shall, to the extent depletion under existing rights and natural flow conditions permit, be maintained throughout each year at levels which, during the time periods designated, do not fall below the following measurements:

(a) Normal Year Flow

January 1 to June 20:	370 cfs
June 20 to July 15:	Linear decrease from 370 cfs on June 20 to 130 cfs on July 15
July 15 to September 10:	130 cfs
September 10 to September 20:	Linear increase from 130 cfs on September 10 to 200 cfs on September 20
September 20 to October 1:	200 cfs
October 1 to October 10:	Linear increase from 200 cfs on October 1 to 370 cfs on October 10
October 10 to January 1:	370 cfs

Normal year flows must be maintained at all times unless a critical condition is declared by the director. If natural Cedar River flows fall below the 1 in 10 year Cedar River flow frequency, the director, or his designee, may authorize flows below the normal year flows, but not lower than the critical year flow except where a declaration of overriding considerations of public interest is made by the director. All requests to deplete below the established instream flow level will be considered on a case-by-case basis.

(b) Critical Year Flow

January 1 to June 15:	250 cfs
June 15 to July 1:	Linear decrease from 250 cfs on June 15 to 110 cfs on July 1
July 1 to October 1:	110 cfs
October 1 to November 1:	Linear increase from 110 cfs on October 1 to 250 cfs on November 1
November 1 to January 1:	250 cfs

Critical year flows represent flows below which the department believes substantial damage to instream values will occur. Critical year flows are expected to be met unless natural Cedar River flows fall below the one in fifty year Cedar River flow frequency.

NEW SECTION

WAC 173-508-070 FUTURE RIGHTS. No water rights to divert or store public surface waters of the Cedar-Sammamish Basin WRIA 8 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses may be granted the provisions of this chapter.

NEW SECTION

WAC 173-508-080 EXEMPTIONS. (1) Nothing in this chapter shall affect any existing water rights, riparian, appropriative, or otherwise, existing on the effective date of this chapter; nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Domestic inhouse use for a single residence and stock watering, except that related to feedlots, shall be exempt from this chapter.

NEW SECTION

WAC 173-508-090 ENFORCEMENT. In enforcement of this chapter, the department of ecology

may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

NEW SECTION

WAC 173-508-100 REGULATION REVIEW. The rules in this chapter shall be reviewed by the department at least once in every five year period.

REPEALER

Chapter 173-30 WAC of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 173-30-010 - BACKGROUND AND AUTHORITY
- (2) WAC 173-30-020 - APPLICATION
- (3) WAC 173-30-030 - MEASUREMENT
- (4) WAC 173-30-040 - DECLARATION OF MINIMUM FLOWS
- (5) WAC 173-30-050 - FUTURE RIGHTS
- (6) WAC 173-30-060 - ENFORCEMENT
- (7) WAC 173-30-070 - PUBLIC INFORMATION

**WSR 79-10-003**

**ADOPTED RULES**

**DEPARTMENT OF ECOLOGY**

[Order DE 79-8—Filed September 6, 1979]

I, Elmer C. Vogel, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the adopting of chapter 173-507 WAC—Instream Resources Protection Program—Snohomish River Basin, Water Resource Inventory Area (WRIA) 7.

This action is taken pursuant to Notice No. WSR 79-06-115 filed with the code reviser on June 6, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 90.22 and 90.54 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 5, 1979.

By Elmer C. Vogel  
Deputy Director

Chapter 173-507 WAC  
INSTREAM RESOURCES PROTECTION PROGRAM—SNOHOMISH RIVER BASIN, WATER RESOURCE INVENTORY AREA (WRIA) 7

**NEW SECTION**

**WAC 173-507-010 GENERAL PROVISION.**

These rules apply to surface waters within the Snohomish River Basin, WRIA-7 (see WAC 173-500-040). Chapter 173-500 WAC, the general rules of the department of ecology for the implementation of the comprehensive water resources program, applies to this chapter 173-507 WAC.

**NEW SECTION**

**WAC 173-507-020 ESTABLISHMENT OF INSTREAM FLOWS.** (1) Instream flows are established for stream management units with monitoring to take place at certain control stations as follows:

**STREAM MANAGEMENT UNIT INFORMATION**

Control Station No. Stream Management Unit Name	Control Station by River Mile and Section, Township and Range	Affected Stream Reach Including Tributaries
12.1330.00 So. Fk. Skykomish River	51.6 28-27-10E	From confluence with N. Fk. Sky- komish River to headwaters.
12.1381.50 Sultan River	5.1 17-28-8E	From mouth to headwaters.
12.1411.00 Skykomish River	25.0 12-27-6E	From mouth to headwaters, ex- cluding So. Fk. Skykomish River and Sultan River.
12.1430.00 No Fk. Snoqualmie	2.2 26-24-8E	From mouth to headwaters.
12.1445.00 Snoqualmie River	40.0 19-24-8E	From Snoqualmie Falls to head- waters, excluding No. Fork Snoqualmie River.
12.1485.00 Tolt River	8.7 31-26-8E	From mouth to headwaters.
12.1490.00 Snoqualmie River	23.0 9-25-7E	From confluence with Harris Creek to Snoqualmie Falls, excluding Tolt River.
12. Snoqualmie River	2.5 26-27-6E	From mouth to confluence with Harris Creek, including Harris Creek.
12.1554.00 Pilchuck River	1.9 18-28-6E	From mouth to headwaters.
12.1508.00 Snohomish River	20.4 16-27-6E	From influence of mean annual high tide at low base flow levels to confluence with Skykomish River and Snoqualmie River, excluding Pilchuck River.

(2) Instream flows established for the stream management units in WAC 173-507-020(1) are as follows:

**INSTREAM FLOWS IN THE SNOHOMISH RIVER BASIN**  
(in Cubic Feet per Second)

Month	Day	12.1330.00	12.1411.00	12.1430.00	No.Fk.** Snoqualmie
		So.Fk. Skykomish	Skykomish	No.Fk* Snoqualmie	
Jan.	1	900	2200	260	200
	15	900	2200	260	200
Feb.	1	900	2200	260	200
	15	900	2200	260	200
Mar.	1	900	2200	260	200
	15	900	2200	300	200
Apr.	1	1100	2650	300	200
	15	1250	3250	300	200
May	1	1250	4000	300	200
	15	1250	4900	300	200
June	1	1250	4900	300	200
	15	1250	4900	300	200
July	1	1250	3250	300	200
	15	950	2170	195	140
Aug.	1	650	1450	130	100
	15	450	1000	130	100
Sept.	1	450	1000	130	100
	15	450	1000	130	100
Oct.	1	550	1300	130	130
	15	700	1700	165	165
Nov.	1	900	2200	210	200
	15	900	2200	260	200
Dec.	1	900	2200	260	200
	15	900	2200	260	200

\*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and game, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.

\*\*Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1381.50	12.1445.00	12.1485.50	Tolt River**
		Sultan	Snoqualmie (above Falls)	Tolt River*	
Jan.	1		1550	280	190
	15		1550	280	190
Feb.	1		1550	280	190
	15		1550	280	190
Mar.	1		1550	280	190
	15		1550	280	190
Apr.	1		1550	280	190
	15		1550	280	190
May	1		1550	280	190
	15		1550	280	190
June	1		1550	280	190
	15		1550	280	165
July	1		1550	280	140
	15		1100	240	120
Aug.	1		770	170	120
	15		600	120	120
Sept.	1		600	120	120
	15		600	120	120
Oct.	1		820	190	185
	15		1100	280	190
Nov.	1		1550	280	190
	15		1550	280	190
Dec.	1		1550	280	190
	15		1550	280	190

\*Normal year flows must be maintained at all times unless a critical condition is declared by the director. The director, or his designee, may authorize, in consultation with the state departments of fisheries and game, a reduction in instream flows during a critical condition period. At no time are diversions subject to this regulation permitted for any reason when flows

fall below the following critical year flows, except where a declaration of overriding considerations of public interest is made by the director.  
 \*\*Critical year flows represent flows below which the department believes substantial damage to instream values will occur.

Month	Day	12.1490.00 Snoqualmie (Carnation)	12. Snoqualmie (mouth)	12.1554.00 Pilchuck R.	12.1508.00 Snohomish
Jan.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Feb.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Mar.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Apr.	1	2500	2800	300	6000
	15	2500	2800	300	6500
May	1	2500	2800	300	7200
	15	2500	2800	300	8000
June	1	2500	2800	300	8000
	15	2500	2800	300	8000
July	1	1850	2180	220	5700
	15	1300	1550	160	4000
Aug.	1	950	1080	120	2800
	15	700	800	85	2000
Sept.	1	700	800	85	2000
	15	700	800	85	2000
Oct.	1	1050	1200	130	2900
	15	1650	1850	200	4000
Nov.	1	2500	2800	300	6000
	15	2500	2800	300	6000
Dec.	1	2500	2800	300	6000
	15	2500	2800	300	6000

(3) Instream flow hydrographs, as represented in the document entitled "Snohomish River Instream Resource Protection Program," shall be used for definition of instream flows on those days not specifically identified in WAC 173-507-020(2).

(4) All consumptive water rights hereafter established shall be expressly subject to the instream flows established in WAC 173-507-020(1) through (3).

(5) At such time as the departments of fisheries and/or game and the department of ecology agree that additional stream management units should be defined, other than those specified in WAC 173-507-020(1), the department of ecology shall identify additional control stations and management units on streams and tributaries within the basin and shall set instream flows where possible for those stations as provided in chapters 90.22 and 90.54 RCW.

**NEW SECTION**

**WAC 173-507-030 SURFACE WATER SOURCE LIMITATIONS TO FURTHER CONSUMPTIVE APPROPRIATIONS.** (1) The department, having determined further consumptive appropriations would harmfully impact instream values, adopts instream flows as follows confirming surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

**LOW FLOW LIMITATIONS**

Stream	Limitation	Point of Measurement
Evans Creek, Tributary to Lake Beecher	No diversion when flow drops below 2.0 cfs.	800 ft. So. and 800 ft. east of center of Sec. 7, T. 27 N., R. 6 E.W.M.
Foye Creek Tributary to Riley Slough	No diversion when flows drops below 4.0 cfs.	750 ft. So. and 325 ft. east of N1/4 cor. of Sec. 18, T. 27 N., R. 6 E.W.M.
French Creek, Tributary to Snohomish River	No diversion when flows drops below 0.75 cfs.	125 ft. No. and 1300 ft. west of E1/4 of Sec. 20, T. 28 N., R. 6 E.W.M.
Langlois Creek Tributary to Tolt River	No diversion when flows drops below 3.0 cfs.	1040 ft. No. and 1250 ft. east of SW1/4 cor. of Sec. 22, T. 25 N., R. 7 E.W.M.
Tate Creek, Tributary to No. Fk. Snoqualmie River	No diversion when flow drops below 2.0 cfs.	900 ft. east and 870 ft. No. of W1/4 cor. of Sec. 26, T. 24 N., R. 8 E.W.M.
Tulalip Creek, Tributary to Tulalip Bay	No diversion when flow drops below 2.5 cfs.	1125 ft. west and 125 ft. No. of S1/4 cor. of Sec. 22, T. 30 N., R. 4 E.W.M.
Unnamed Stream (Coon Creek), Tributary to Pilchuck River.	No diversion when flows drops below 1.0 cfs.	480 ft. No. and 240 ft. west of center of Sec. 19, T. 30 N., R. 7 E.W.M.
Unnamed Stream (Coon Creek), tributary to Pilchuck River	One-half of low flow must be bypassed.	800 ft. east and 1100 ft. So. of W1/4 cor. of Sec. 19, R. 30 N., R. 7 E.W.M.
Unnamed Stream, Tributary to Cherry Creek	No diversion when flow drops below 1.0 cfs.	1000 ft. So. and 400 ft. west of NE cor. of Sec. 16, T. 26 N., R. 7 E.W.M.
Unnamed Stream, Tributary to McCoy Creek	No diversion when flow drops below 0.5 cfs.	600 ft. west and 100 ft. No. of SE cor. of Sec. 5, T. 27 N., R. 8 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	No diversion when flow drops below 30.0 cfs.	350 ft. west and 900 ft. No. of SE cor. of Sec. 5, T. 27 N., R. 8 E.W.M.
Unnamed Stream (Solberg Creek), Tributary to Snoqualmie River	No diversion when flow drops below 2.0 cfs.	600 ft. west and 1050 ft. No. of E cor. of Sec. 12, T. 25 N., R. 6 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	One-half of low flow must be hypassed.	500 ft. So. and 1120 ft. east of center Sec. 28, T. 25 N., R. 7 E.W.M.
Unnamed Stream, Tributary to Snoqualmie River	No diversion when flow falls below 1.0 cfs.	600 ft. No. of E1/4 cor. of Sec. 28, T. 25 N., R. 7 E.W.M.
Wood Creek, Tributary to Snohomish River	No diversion when flow drops below 0.75 cfs.	335 ft. No. and 130 ft. east of S1/4 cor. of Sec. 8, T. 28 N., R. 5 E.W.M.
Woods Creek Tributary to Skykomish River	No diversion when flow drops below 11.0 cfs.	Immediately below confl. of West Fork in SE1/4NW1/4 Sec. 33, T. 28 N., R. 7 E.W.M.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 6.0 cfs.	Immediately above said confl. of West Fork.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 2.5 cfs.	Immediately above confl. of Roesigner Cr. in NE1/4NW1/4 of Sec. 3, T. 28 N., R. 7 E.W.M.
Woods Creek, Tributary to Skykomish	No diversion when flow drops below	Roesigner Creek, immediately above

Stream	Limitation	Point of Measurement
River	0.5 cfs.	said confl. with Woods Creek.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 5.0 cfs.	West Fork, immediately above said confl. with Woods Creek.
Woods Creek, Tributary to Skykomish River	No diversion when flow drops below 2.5 cfs.	West Fork when it crosses the No. line of Sec. 5, T. 28 N., R. 7 E.W.M.
Unnamed Lake (Morris Lake), Tributary to Horseshoe Lake	No diversion when flow drops below 1.0 cfs.	Lake outlet at NE1/4NE1/4 of Sec. 9, T. 25 N., R 7 E.W.M.

**NOTE:** Affected stream reaches extend from mouth to headwaters and include all tributaries in the contributing drainage area unless specifically excluded.

(2) The department, having determined there are no waters available for further appropriation through the establishment of rights to use water consumptively, closes the following streams to further consumptive appropriation for the periods indicated. These closures confirm surface water source limitations previously established administratively under authority of chapter 90.03 RCW and RCW 75.20.050.

**SURFACE WATER CLOSURES**

Stream	Date of Closure	Period of Closure
Griffin Creek, Tributary to Snoqualmie River	9/22/53	All year
Harris Creek, Tributary to Snoqualmie River	1/20/44	All year
Little Pilchuck Creek, Tributary to Pilchuck River	5/6/52	All year
May Creek, Tributary to Wallace River	10/13/53	All year
Patterson Creek, Tributary to Snoqualmie River	2/19/52	All year
Quilceda Creek, Tributary to Ebey Slough	6/10/46	All year
Raging River, Tributary to Snoqualmie River	9/20/51	All year
Unnamed Stream (Bodell Creek), Tributary to Pilchuck River	9/6/51	All year

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 173-507-040 GROUND WATER.** In future permitting actions relating to ground water withdrawals, the natural interrelationship of surface and ground waters shall be fully considered in water allocation decisions to assure compliance with the meaning and intent of this regulation.

**NEW SECTION**

**WAC 173-507-050 EXEMPTIONS.** (1) Nothing in this chapter shall affect existing water rights, riparian,

appropriative, or otherwise, existing on the effective date of this chapter, nor shall it affect existing rights relating to the operation of any navigation, hydroelectric or water storage reservoir or related facilities.

(2) Domestic inhouse use for a single residence and stock watering, except that related to feed lots, shall be exempt.

**NEW SECTION**

**WAC 173-507-060 FUTURE RIGHTS.** No right to divert or store public surface waters of the Snohomish WRIA 7 shall hereafter be granted which shall conflict with the instream flows and closures established in this chapter. Future rights for nonconsumptive uses, subject to the conditions herein established, may be granted.

**NEW SECTION**

**WAC 173-507-070 ENFORCEMENT.** In enforcement of this chapter, the department of ecology may impose such sanctions as appropriate under authorities vested in it, including but not limited to the issuance of regulatory orders under RCW 43.27A.190 and civil penalties under RCW 43.83B.335.

**NEW SECTION**

**WAC 173-507-080 REGULATION REVIEW.** The rules in this chapter shall be reviewed by the department at least once in every five-year period.

**WSR 79-10-004**

**NOTICE OF PUBLIC MEETINGS  
HOSPITAL COMMISSION  
[Memorandum—September 5, 1979]**

The State Hospital Commission is scheduled to meet on Thursday, September 27, 1979, beginning at 9:30 a.m., at the University Tower Hotel, Seattle, Washington. (This is in addition to the meeting scheduled for Thursday, September 13, 1979, beginning at 9:30 a.m., at the Vance Airport Inn at Sea-Tac, notices of which were sent on August 23, 1979.) The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission's office and is available for inspection.

**WSR 79-10-005**

**PROPOSED RULES  
BOARD OF PHARMACY  
[Filed September 6, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State



Board of Pharmacy intends to adopt, amend, or repeal rules concerning WAC 360-16-070;

that such agency will at 1:30 p.m., Thursday, September 20, 1979, in the St. Lukes Auditorium, 7th and Chandler, Spokane, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, September 20, 1979, in the St. Lukes Auditorium, 7th and Chandler, Spokane, WA.

The authority under which these rules are proposed is RCW 18.64.005(11).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 20, 1979, and/or orally at 1:30 p.m., Thursday, September 20, 1979, St. Lukes Auditorium, 7th and Chandler, Spokane, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-07-001 filed with the code reviser's office on 6/7/79.

Dated: September 6, 1979

By: David C. Campbell, Jr.  
Executive Secretary

#### WSR 79-10-006

##### ADOPTED RULES

#### BOARD OF PHARMACY

[Order 150, Resolution 9/79—Filed September 6, 1979]

Be it resolved by the Washington State Board of Pharmacy acting at the large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA, that it does promulgate and adopt the annexed rules relating to WAC 360-36-220 and 360-36-230.

This action is taken pursuant to Notice No. WSR 79-07-054 filed with the code reviser on 6/25/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(11) and 69.50.301.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 6, 1979.

By David C. Campbell, Jr.  
Executive Secretary

#### AMENDATORY SECTION (Order 138, filed 11/8/77)

WAC 360-36-220 PRODUCT RESTRICTIONS. Sodium pentobarbital obtained under this limited registration shall be labeled "For veterinary use only". ~~((and~~

~~shall be formulated with one or more other active drug ingredients which are not controlled substances, so that it is only suitable for use in animal euthanasia:))~~ The board will make available a list of approved products.

#### AMENDATORY SECTION (Order 138, filed 11/8/77)

WAC 360-36-230 REGISTRATION. (1) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on ~~((May))~~ October 31st of each year. The registration fee shall be as follows:

(a) \$15.00 for application for limited registration.

(b) \$10.00 for annual renewal of limited registration.

(2) A separate registration is required for each separate location.

(3) Registration with the drug enforcement administration shall be limited to schedule ~~((H))~~ II nonnarcotic controlled substances and shall be used only for the acquisition of ~~((drugs))~~ sodium pentobarbital for animal euthanasia.

#### WSR 79-10-007

##### ADOPTED RULES

#### BOARD OF PHARMACY

[Order 151, Resolution 9/79—Filed September 6, 1979]

Be it resolved by the Washington State Board of Pharmacy, acting at the large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA, that it does promulgate and adopt the annexed rules relating to the amending of WAC 360-12-110, 360-12-120, 360-16-050 and 360-16-070; amending WAC 360-16-170; repealing WAC 360-16-060 and 360-16-160; amending WAC 360-23-020 and 360-36-010.

This action is taken pursuant to Notice No. WSR 79-07-001 filed with the code reviser on 6/7/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule WAC 360-36-010 is promulgated pursuant to RCW 69.50.301 which directs that the Washington State Board of Pharmacy has authority to implement the provisions of Controlled Substances Act.

This rule WAC 360-12-110, 360-12-120, 360-16-050, 360-16-170, 360-16-060, 360-16-160 and 360-23-020 is promulgated under the general rule-making authority of the Washington State Board of Pharmacy as authorized in RCW 18.64.005(11).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 6, 1979.

By David C. Campbell, Jr.  
Executive Secretary

AMENDATORY SECTION (Regulation 5, filed 3/23/60)

WAC 360-12-110 ((REGISTERED)) LICENSED PHARMACISTS CHANGE OF HOME ADDRESS. All ((registered)) licensed pharmacists shall notify the state board of pharmacy of any change of home address.

AMENDATORY SECTION (Regulation 8, filed 3/23/60)

WAC 360-12-120 ((REGISTERED)) LICENSED PHARMACISTS—EMPLOYED AS RESPONSIBLE MANAGERS—DUTY TO NOTIFY BOARD. ((Registered)) Licensed pharmacists employed as responsible managers for a pharmacy shall at once notify the state board of pharmacy of such ((responsibility)) employment and shall comply with such instructions as may be received ((from the state board of pharmacy)). A pharmacist shall also at once notify the state board of pharmacy of termination of employment as a responsible manager. Please refer to WAC 360-16-050 for additional information.

AMENDATORY SECTION (Regulation 6, filed 3/23/60)

WAC 360-16-050 RESPONSIBLE MANAGER—APPOINTMENT. Every ((nonregistered)) nonlicensed proprietor of ((a drug store)) one or more pharmacies shall place in charge ((of such store)) of each pharmacy a licensed pharmacist ((registered in the state of Washington)) who shall be known as ((a)) the "responsible manager" ((, and such nonregistered)). The nonlicensed proprietor shall ((at once)) immediately report to the state board of pharmacy the name of ((such)) the "responsible manager", ((and shall comply)) who shall ensure that the pharmacy complies with all the laws, rules and regulations ((affecting such stores)) pertaining to the practice of pharmacy. Every portion of the establishment coming under the jurisdiction of the pharmacy laws shall be under the full and complete control of such responsible manager. A nonlicensed proprietor shall at once notify the board of pharmacy of the termination of employment of a responsible manager. Please refer to WAC 360-12-120 for additional information.

AMENDATORY SECTION (Regulation 17, filed 3/23/60)

WAC 360-16-170 DRUG VENDING MACHINE FOR OVER-THE-COUNTER DRUGS. ((The use of any mechanical device or vending machine in the sale of dispensing of drugs, medicines or poisons within the meaning of chapter 18.64 RCW is prohibited)) Over-the-counter drugs may be sold by the use of a mechanical device or vending machine. Any mechanical device or vending machine so used shall be licensed as a shopkeeper outlet pursuant to chapter 18.64 RCW. All over-the-counter drugs so sold shall be in the original manufacturer's package with complete labeling as required by federal law and 21 CFR which requirements are specifically incorporated herein by this reference.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 360-16-060 RESPONSIBLE MANAGER—RESPONSIBILITY.

WAC 360-16-160 SALE OF INHALERS OVER THE COUNTER.

AMENDATORY SECTION (Order 124, filed 10/31/74)

WAC 360-23-020 DRUG PRICE ADVERTISING CONDITIONS. A pharmacy may advertise legend or prescription drug prices provided:

(1) The advertising complies with all state and federal laws, including regulations of the United States food and drug administration and the Washington state consumer protection act, chapter 19.86 RCW.

(2) The advertising is solely directed towards providing consumers with drug price information and does not promote the use of a prescription drug or drugs to the public.

(3) The drug price advertising shall contain all the following information for all drug products or brand names used in the advertisement:

(a) The proprietary name of the drug product advertised, if any,

(b) The generic name of the drug product advertised, if any,

(c) The strength of the drug product advertised. If the drug product advertised contains more than one active ingredient and a relevant strength can be associated with it without indicating each active ingredient, the generic name and quantity of each active ingredient is not required.

(d) The dosage form of the drug product advertised, and

(e) The price charged for a specified quantity of the drug product.

(4) Advertising of any generic drug that in any way compares a generic drug to a brand name drug may not in any manner imply that the brand name drug is the product offered for sale.

AMENDATORY SECTION (Order 140, filed 1/25/78)

WAC 360-36-010 UNIFORM CONTROLLED SUBSTANCES ACT. (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 CFR), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the code of federal regulations revised as of April 1, ((+977)) 1979, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: section 1301.11-.13, section 1301.31, section 1301.43-.57, section 1303, section 1308.41-.48, and section 1316.31-.67. The following

specific rules shall take precedence over the federal rules adopted herein by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on ~~((May 31st of each year))~~ a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW. The registration fee shall be as follows:

- (a) \$15.00 for a dispensing registration (i.e., pharmacies);
- (b) \$10.00 for the annual renewal for dispensing (i.e., pharmacies);
- (c) \$30.00 for registration for distributors (i.e., wholesalers);
- (d) \$25.00 for the annual renewal for distributors (i.e., wholesalers);
- (e) ~~((~~\$55.00~~))~~ \$50.00 for a registration for manufacturers;
- (f) \$50.00 for the annual renewal for manufacturers;
- (g) \$15.00 for application for physician's assistant;
- (h) \$10.00 for the annual renewal for physician's assistant';
- (i) \$15.00 for application for limited registration to obtain sodium pentobarbital for animal euthanasia;
- (j) \$10.00 for annual renewal of limited sodium pentobarbital registration.

(3) A separate registration is required for each principle place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in ~~((RCW 18.64.043 and .045))~~ chapter 18.64 RCW.

(4) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of five years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

- (a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;
- (b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;
- (c) In the event of a loss by theft or destruction, ~~((a copy))~~ two copies of ((the report)) DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities ((f)) and a copy ((of the report)) must be sent to the board ((at the same time));
- (d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from

whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

(5) The records must be maintained separately for schedule II drugs. The records for schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

(6) A federal order form is required for each distribution of a schedule I or II controlled substance, and said forms along with other records required to be kept must be made readily available to authorized employees of the board.

(7) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-008**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed September 6, 1979—Withdrawn September 7, 1979]

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

This action is taken pursuant to Notice No. WSR 79-07-104 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 29, 1979.

By N. Spencer Hammond  
Executive Assistant

**Notice of Withdrawal:**

On September 6, 1979 the Department of Social and Health Services filed Administrative Order 1430, WSR 79-10-008, relating to an amendment to chapter 388-96 WAC: Nursing home accounting and reimbursement system. This action was taken pursuant to Notice Number WSR 79-07-104 filed with the Code Reviser on July 3, 1979. The Code Reviser's Office assigned WSR Number 79-10-008 to the Order filed on September 6, 1979.

This is to advise your office that the department wishes to withdraw Administrative Order Number 1430. A decision as to the agreed upon wording of the proposed amendment to 388-96 WAC will be forthcoming.

Dated: September 7, 1979  
By: N. Spencer Hammond  
Executive Assistant

**WSR 79-10-009**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-74—Filed September 6, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal-use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is low water in Capitol Lake has made returning salmon extraordinarily vulnerable to personal-use fishing and increased the potential for snagging. This order is necessary to protect the run.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 6, 1979.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-57A-03000C **CAPITOL LAKE** *Notwithstanding the provisions of WAC 220-57A-030, effective September 7, 1979 until further notice, it shall be unlawful to take, fish for or possess salmon for personal-use from the waters of Capitol Lake.*

**WSR 79-10-010**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
[Order 552-DOL—Filed September 7, 1979]

Be it resolved by the Department of Licensing, acting at the 4th Floor Conference Room, Room 4A, Highways-Licenses Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to the amending of WAC 308-61-300, 308-61-310, 308-61-320, 308-61-330, 308-61-340, 308-61-400, 308-61-410, 308-61-420, 308-61-430, 308-61-440, 308-61-450 and repealing WAC 308-61-015, 308-61-020 and 308-61-035.

This action is taken pursuant to Notice No. WSR 79-08-087 filed with the code reviser on 7/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.79.080 which directs that the Director of the Department of Licensing has authority to implement the provisions of chapter 46.79 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 7, 1979.

By R. Y. Woodhouse  
Director

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-300 **HULK HAULER—APPLICATION FOR LICENSE.** The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require in addition to the provisions of RCW 46.79.030:

(1) ~~((The name of the person, firm or corporation under which the business will be conducted, the business address, and the name(s) and address(es) of any person(s) having interest in the business, or if a corporation, of the officers thereof, and))~~ A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler, wrecker or registered disposer denied, suspended or revoked and on what dates and what grounds.

(2) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, ~~((that the~~

applicant can be found at the address shown on the application and)) that his vehicle(s) are properly identified in accordance with WAC 308-61-320(5).

The license expires annually on June 30th and may be renewed prior to that date by filing an application, securing a signature of the appropriate member of the Washington state patrol on his application, and paying a renewal fee of ten dollars. Failure to renew the license prior to June 30th will require a new application and payment of a ten dollar fee.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-310 HULK HAULER—SPECIAL PLATES. All vehicles used by hulk haulers on the highways of this state shall bear regular license plates and in addition, special hulk hauler's plates. Each vehicle shall display both special plates assigned to it, provided that when any vehicle being towed does not have valid license plates, the hulk hauler plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. The plates serve in lieu of a trip permit or current license plates for the vehicle(s) being transported.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set(;) which charges include the reflectorization fee required by RCW 46.16.237. ((t)) They shall expire simultaneously with the hulk hauler's license.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-320 HULK HAULER—GENERAL PROCEDURES AND REQUIREMENTS. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of mailing address.

(2) License certificate. The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

A license certificate shall not be construed to be an authorization to store vehicle hulks or parts at the licensee's mailing address.

(3) Tow car fee. The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) Inspection of transport vehicle, premises. (a) Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(b) The premises of the hulk hauler shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department to confirm storage of vehicle hulks or parts is not taking place.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three inches high.

AMENDATORY SECTION (Amending Order MV174, filed 10-29-73)

WAC 308-61-330 HULK HAULER—PROCEDURES FOR ACQUIRING AND SELLING VEHICLES. (1) Supporting acquisition for transport, resale. The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing only a registration certificate. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed hulk hauler:

(a) Private persons. Acquisitions from private persons may also be supported by affidavits of lost or stolen title and authorization to dispose.

(i) Affidavit of lost or stolen title signed by the owner on record with the department.

(ii) Authorization to dispose.

(b) All licensees other than wreckers. In addition to a properly endorsed title, ((A)) acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title signed by owners of record with the department.

(ii) Authorization to dispose signed by a law enforcement officer.

(iii) Affidavit of sale from a registered disposer.

~~((iv) Bill of sale.~~

~~— Invoice or bill of sale from wrecker.))~~

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department may be supported by obtaining his invoice or bill of sale listing each vehicle by the wrecker's "yard number". Such invoice or bill of sale shall be given to the scrap processor purchasing the vehicles listed therein.

(2) Must possess supporting documentation. Before a hulk hauler may transport any vehicle for resale, he shall have in his possession documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his possession at all times while the vehicle is transported.

(3) Handling vehicles. A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that he may remove the parts necessary to sell vehicle

salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department.

(4) May sell to licensed wreckers and scrap processors. Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor.

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

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-340 HULK HAULER—  
GROUND'S FOR DENIAL, SUSPENSION, REVOCATION—UNLAWFUL PRACTICES. In addition to RCW 46.79.070 and WAC 308-61-050, a hulk hauler's license may be denied, suspended, or revoked whenever the director has reason to believe the hulk hauler or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Transporting any vehicle without first obtaining and having in his possession at all times while transporting, appropriate evidence of ownership or of lawful possession for such vehicle;

~~((2) Committing forgery on a certificate of title, registration or document releasing any interest in a vehicle;~~

~~((3) Wilfully misrepresenting the physical condition of any vehicle transported;))~~

~~((4))~~ (2) Engaging in any activity relative to vehicles except the acquisition and transportation for resale thereof to a licensed wrecker or scrap processor;

~~((5))~~ (3) Selling vehicles or vehicle parts other than to a licensed wrecker or scrap processor;

~~((6))~~ (4) Selling or disposing of a vehicle or part thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

~~((7))~~ (5) Operating as a wrecker or removing parts from vehicles, provided that a hulk hauler may remove those parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department;

~~((8) Committing any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a vehicle or part thereof;))~~

~~((9))~~ (6) Hauling vehicles from a licensed wrecker to a licensed scrap processor without obtaining and having in his possession during transport the wrecker's invoice or bill of sale for the vehicles being transported;

~~((10))~~ (7) Renting, leasing or borrowing the special license plates issued to a wrecker, or representing himself as being entitled to use wrecker's plates to sell vehicles to scrap processors, or otherwise using such plates;

~~((11) Failing to comply with any provision of chapter 46.79 RCW or any rules and regulations adopted thereunder, or with any of the provisions of Title 46 RCW relating to the registration and certificates of title of vehicles;))~~

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-400 SCRAP PROCESSOR—APPLICATION FOR LICENSE. The application for a scrap processor's license shall contain, in addition to any other information the department may require:

~~((1) The name of the person, firm or corporation under which the business will be conducted, the business address, and the name(s) and address(es) of any person(s) having interest in the business, or if a corporation, of the officers thereof; and))~~

~~((2))~~ (1) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that the application [applicant] can be found at the address shown on the application.

A fee of twenty-five dollars shall accompany each original application. The license expires annually on June 30 and may be renewed prior to that date by filing an application and payment of a renewal fee of ten dollars. Failure to renew the license prior to June 30 will require payment of the original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-410 SCRAP PROCESSOR—SPECIAL PLATES. ~~((A))~~ ~~((v))~~ Vehicles owned or operated on the highways of this state by a scrap processor and used by him in ~~((the conduct of his business))~~ gathering vehicle hulks or salvage shall bear regular license plates and, in addition, ~~((special scrap processor's))~~ hulk hauler plates. Such plates serve in lieu of a trip permit or current license for any vehicle being transported. Each vehicle shall display all plates issued to it.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set including the reflectorization fee required by RCW 46.16.237; they expire simultaneously with the scrap processor's license.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-420 SCRAP PROCESSOR—GENERAL PROCEDURES AND REQUIREMENTS. All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

(1) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(2) Display of license certificate. The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement

officers and authorized representatives of the department.

(3) Inspection of premises. The premises of the scrap processor shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department.

(4) Surrender of license plates. All license plates coming into the possession of the scrap processor shall be surrendered to an authorized representative of the department at such time as the monthly report under RCW 46.79.020 is forwarded to the department.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-430 SCRAP PROCESSOR—  
PROCEDURES FOR ACQUIRING VEHICLES FOR  
DEMOLITION. (1) Supporting acquisition. A scrap processor may acquire vehicles for demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed scrap processor:

(a) Private persons. Acquisition from private persons may also be supported by affidavits of lost or stolen title and authorizations to dispose.

(i) Affidavit of lost or stolen title.

(ii) Authorization to dispose.

(b) All licensees other than wreckers. Acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title.

(ii) Authorization to dispose.

(iii) Affidavit of sale.

~~((iv) Bill of sale.))~~

~~((v))~~ (iv) Invoice or bill of sale from wrecker.

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department do not require the detailed supporting documentation otherwise required, provided that the wrecker has made monthly reports of vehicles wrecked or dismantled, or acquired for such purpose, and has provided an invoice or bill of sale listing each vehicle in the load to be purchased by "yard number". The scrap processor should verify that he is dealing only with currently licensed wreckers; for this purpose, the department will provide lists of licensed wreckers to scrap processors periodically.

(2) Out-of-state vehicles. (a) Scrap processors may acquire vehicle salvage from out of state provided that the acquisition is supported by appropriate documentation of ownership of each vehicle of the types enumerated in subsection (1); or

(b) Submit an affidavit prepared by the out-of-state hauler certifying his rightful and true possession of the vehicles contained in the bulk shipment and that he has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-440 SCRAP PROCESSOR—  
PROCEDURES FOR MONTHLY REPORTS. (1) Must maintain books and files. (a) The scrap processor shall maintain books and files of all vehicles acquired other than from a wrecker which shall contain the following:

(i) A description of each vehicle acquired by make, model, year and vehicle identification number;

(ii) The date acquired, name of the person, firm or corporation from which obtained, and the wrecker license numbers if such person is licensed as a wrecker by the department;

(iii) A description of the document evidencing ownership, and if a certificate of title or registration, the title or registration number; and

(iv) The license plate number and name of state in which vehicle was last registered.

(b) For all vehicles acquired from a licensed wrecker, a copy of the wrecker's invoice or bill of sale shall suffice as the record of acquisition and demolition.

(c) Such records shall be maintained for three years and shall be subject to periodic inspection by authorized representatives of the department and appropriate law enforcement officers.

(2) Must furnish written reports. By the tenth of the month following acquisition of vehicles or hulks for demolition, each scrap processor shall submit a report, on the form provided by the department, listing each vehicle or part thereof, whether or not such vehicles have been demolished. This report shall be made in duplicate, retaining the duplicate for the scrap processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) above, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he acquires vehicles for salvage from (~~other~~) than wreckers licensed by the department. The receipts for license plates surrendered to the department, as required by subsection (4) of WAC 308-61-420, shall also accompany the monthly reports.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-450 SCRAP PROCESSOR—  
GROUND'S FOR DENIAL, SUSPENSION, REVO-  
CATION—UNLAWFUL PRACTICES. In addition to RCW 46.79.070 and WAC 308-61-050, a scrap processor's license may be denied, suspended or revoked whenever the director has reason to believe that the scrap processor or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Engaging in any activity relative to vehicles (~~except the acquisition and demolition thereof for recycling~~



which is not included in RCW 46.79.010(3) and RCW 46.79.010(5);

(2) Acquiring vehicles for salvage without appropriate evidence of ownership, ~~((or without verifying that he was dealing with a wrecker licensed by the department;~~

(3) Acquiring vehicles for salvage other than from the legal owner of record, any agency of government, an owner of private property on which the vehicle was abandoned, or a person holding a valid license issued by the department.

~~((4) Committing forgery on a certificate of title, registration or document releasing interest in a vehicle;))~~

~~((5))~~ (4) Acquiring, having in his possession, or demolishing a vehicle or part thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

~~((6) Committing any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of the demolition of a vehicle or part thereof; or~~

~~(7) Failing to comply with any provision of chapter 46.79 RCW or any rules or regulations adopted thereunder, or with any of the provisions of Title 46 RCW relating to the registration and certificate of title of vehicles.))~~

#### REPEALER

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

(1) WAC 308-61-015 DEFINITIONS—VEHICLES.

(2) WAC 308-61-020 DEFINITIONS—PERSONS SUBJECT TO REGULATION.

(3) WAC 308-61-035 SEGREGATION OF VEHICLES, REQUIRED.

#### WSR 79-10-011

##### ADOPTED RULES

##### DEPARTMENT OF LICENSING

[Order 553-DOL—Filed September 7, 1979]

Be it resolved by the Department of Licensing, acting at the 4th Floor Conference Room, Room 4A, Highways-Licenses Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to the amending of WAC 308-61-130, 308-61-140, 308-61-200, 308-61-210, 308-61-220, 308-61-230, 308-61-260 and 308-61-270; and adding WAC 308-61-155, 308-61-160, 308-61-165, 308-61-170 and 308-61-180.

This action is taken pursuant to Notice No. WSR 79-08-088 filed with the code reviser on 7/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.80.140 and 46.52.115 which directs that the Director of the Department of Licensing has authority to implement the provisions of chapters 46.80 and 46.52 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 7, 1979.

By R. Y. Woodhouse  
Director

#### AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-130 REGISTERED DISPOSERS—PROCEDURES FOR SALE. ~~((Only tow truck operators registered to dispose of abandoned vehicles and hulks and garage keepers with whom an abandoned vehicle has been left, may sell abandoned vehicles.))~~

(1) Notice of custody and sale. Notice of custody and sale given to the registered and legal owners shall describe the abandoned vehicle or hulk by make, model, year and vehicle identification number, and shall state the amount of the lien for towing and storage, and the date and place of public sale if the vehicle is not reclaimed within fifteen days after notice was mailed to such owner.

If the department or its authorized agent has received application for transfer of title prior to the registered disposer's request for owner information for an abandoned vehicle in his custody, and so notifies the registered disposer prior to the date of public sale, the registered disposer shall send appropriate notice to the latest owner of record even though the department has given him the name and address of a previous owner of record.

When the registered disposer notifies a later owner of record, he may include the cost of notice to both previous and present owners of record in his actual costs of sale.

(2) Vehicles registered out of state. Abandoned vehicles registered in other states may be sold under the same procedures for the disposition of abandoned vehicles registered in this state. A copy of the notice of custody and sale shall be sent to the department of motor vehicles in the state in which the vehicle was last registered.

If license plates or registration certificates are not on an abandoned vehicle in the custody of a registered disposer or garage keeper, he shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the registered and legal owner and the state in which the vehicle was last registered. The department may require an inspection by the Washington state patrol to verify the vehicle identification number of such vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

When all reasonable efforts to obtain the owner information have proved unsuccessful, including proof of efforts to follow clues and mail notices to registered and legal owners the vehicle may be disposed of in accordance with all procedures except that the notification of



the registered and legal owners by certified or registered mail may be omitted if no clue to their addresses can be found. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the person having custody thereof for a period of three years.

(3) Examination by potential bidders. (a) The registered disposers shall make vehicles offered for public sale available for examination by potential bidders for a time period of not less than three hours prior to the sale. Such time period for vehicle examination shall be included in the published ad required under RCW 46.52.112.

(b) The second and third highest bidder on each vehicle may submit a written bid to the registered disposer. The bid shall be on the abandoned vehicle bid forms available from the department. Vehicles shall be sold to the highest bidder but if the high bidder defaults the next highest bidder, if known, shall have the right to purchase for the amount of his bid and this process shall continue until the vehicle is sold or no bidder remains. Bids submitted in writing shall be retained for inspection in the records of the registered disposer for not less than three years.

(c) To implement the procedures set forth in this section, registered disposers shall post a public notice of the bidding procedures which shall clearly set forth to prospective bidders the availability of bid forms for the second and third highest bidders and other information as provided by the department.

(4) May bid himself. The registered disposer may bid on the abandoned vehicle. If his is the high bid and the bid exceeds the amount of his lien and actual costs of sale, he shall transmit the excess half to the county treasurer and half to the state treasurer as he would if the high bid was made by a person other than himself.

The registered disposer may not elect to retain the vehicle if the high bid does not meet the amount of his lien plus his actual costs of sale. If a registered disposer intends to engage in the business of reselling vehicles he acquires he shall first obtain a vehicle dealer licensed as required in chapter 46.70 RCW.

(5) Actual costs of sale. In addition to charges specified in the fee schedule on file with the department, the registered disposer may charge against the registered owner or include in his lien only the actual expenses incurred in the sale of abandoned vehicle or hulk. Such actual expenses may include, by way of example, the amount paid for certified or registered mail, and the amount spent to advertise the sale prorated among the number of vehicles advertised. Any other provable actual costs may be assessed. No registered disposer may charge a flat percentage fee or other fixed amount as his cost of sale for the purpose of subsection (5).

(6) Permissible charges. (a) Prior to the public sale the abandoned disposer has a lien against the vehicle in his possession for all actual costs, including charges for towing and storage.

(b) If the amount for which the vehicle is sold at public sale is not sufficient in dollar amount to pay the amount of the lien and the actual costs of sale or ~~((one))~~ two hundred dollars, whichever is less, then the registered disposer shall have a deficiency claim against the registered owner, on which he may seek a judgment in

an appropriate court of law, in an amount which is the lesser of the following:

(i) If the amount of the lien is ~~((one))~~ two hundred dollars or more, then the difference between ~~((one))~~ two hundred dollars and the amount of the successful bid which is less than ~~((one))~~ two hundred dollars;

(ii) If the amount of the lien is ~~((one))~~ two hundred dollars or less, then the difference between the amount of the lien and the amount of the successful bid which is less than the amount of the lien;

(c) After the public sale, no registered disposer shall attempt to procure from the registered owner of any abandoned vehicle payment in an amount in excess of the permitted deficiency claim;

(d) In addition, no registered disposer shall attempt to procure payment for storage of an abandoned vehicle or hulk for more than thirty days after he receives the owner information from the department unless he receives written authority from the registered or legal owner to store such vehicle for a longer period.

(e) RCW 46.52.111 time limits shall be observed except where delay is unavoidable in such instances as when a later owner of record is found, vehicle processing is delayed pending investigation of a vehicle's true identification number by law enforcement or other circumstance beyond the control of a registered disposer.

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

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-140 REGISTERED DISPOSERS—PROCEDURES AFTER SALE. (1) Affidavit of sale. The registered disposer shall complete an affidavit of sale, on the form provided for this purpose, which shall be given to the successful bidder at the sale. The affidavit shall recite that the public sale was held in accordance with the law and disposition of the monies derived from such sale.

(2) Title must result from sale. The public sale of an abandoned vehicle must result in the transfer of title from the last registered and legal owners to the successful bidder, or if no bids were made, to the registered disposer. This will be accomplished by attaching the affidavit to an application for certificate of title. This procedure must be followed by all persons except licensed vehicle wreckers, hulk haulers and scrap processors who may use the affidavit of sale in lieu of a certificate of title, if it is attached to the monthly report of vehicles acquired for destruction or demolition.

(3) Effect of new title. Upon issuance of new title to the successful bidder or upon report of vehicle by a wrecker or scrap processor, the rights ~~((to))~~ of prior lienholders and former owners, both registered and legal, terminate with the sole exception of the permissible claim for deficiency which survives in the registered disposer, who may seek enforcement of such claim in an appropriate court of law.

(4) Title transferred before second sale. The successful bidder, or other person in lawful possession of the

vehicle after public sale, shall obtain title in his name before he may sell or transfer his interest in such vehicle. After the public sale and first transfer of title, the affidavit will no longer be an acceptable supporting document for an application for certificate of title; the newly issued title must accompany subsequent applications for title.

#### NEW SECTION

WAC 308-61-155 **LAW ENFORCEMENT PROCEDURES FOR IMPOUNDING.** The notification of impoundment under RCW 46.61.565 or chapter 46.52 RCW mailed to the last registered and legal owner shall include a certificate of mailing and shall be on a format approved by the department and Washington state patrol:

(1) Name, address and phone number of the impounding enforcement agency, location which lead to impoundment, make, model, description, identification number, license plate number of vehicle and state which issued, whether plate is current, comment on condition of vehicle including obvious body damage or missing equipment, brief reason for impounding, name, address and phone number of registered disposer in whose custody the vehicle was placed, steps required to redeem the vehicle, that a hearing may be requested within 10 days of mailing the notification, location and address of the district court in the area of the impound and that the hearing request should be made to the district court by request in an appropriate space on the notification form, provision for the district court to acknowledge and date the hearing request. In addition pursuant to RCW 46.52.114 a warning statement shall state "If a vehicle remains unclaimed for 5 days, it may be deemed abandoned and sold at a public sale."

(2) If a registered owner prevails at a district court hearing the impounding enforcement agency shall be liable to the registered disposer for permitted impoundment, towing and storage charges.

(3) Upon presentation of satisfactory proof to the registered disposer holding the vehicle that the impoundment was held invalid the registered disposer shall release the vehicle to the registered owner and collect the appropriate impoundment amount from the impounding agency.

#### NEW SECTION

WAC 308-61-160 **LAW ENFORCEMENT NOTIFICATION STICKERS.** (1) When a law enforcement officer discovers an apparently abandoned vehicle or hulk which does not appear to be a public safety hazard under RCW 46.61.565 he shall attach a readily visible notification sticker which shall:

- (a) Give date and time the sticker was attached,
- (b) Identity of the officer,
- (c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense,

(d) Identity, location and phone number of the enforcement agency where additional information can be obtained.

(e) A warning that if the vehicle is taken into custody it may be deemed abandoned 5 days after it has been placed in storage and sold at public auction.

(2) If the vehicle has current Washington plates and registration, the officer shall check the records to learn the identity of the last owner of record. The officer or his agency shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

#### NEW SECTION

WAC 308-61-165 **PLACING VEHICLES IN CUSTODY.** (1) If a vehicle is not removed in twenty-four hours subsequent to placement of a notification sticker, a law enforcement officer may take custody of the vehicle or hulk and place it in the care of a registered disposer who shall tow it to his business location for safekeeping.

(2) Whenever a law enforcement officer or his department obtain the identity of the registered and legal owner of an abandoned vehicle or hulk placed in the custody of a registered disposer such information shall be given to the disposer at the earliest possible time so as to assist registered disposers in sending the required notices to registered and legal owners.

#### NEW SECTION

WAC 308-61-170 **VEHICLES IMPOUNDED OR TAKEN INTO CUSTODY.** Pursuant to RCW 46.52.114, if a vehicle remains unclaimed for 5 days from the impound date or date taken into custody, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and RCW 46.52.112; PROVIDED HOWEVER, that where a timely request for a hearing has been made pursuant to section 4, chapter 178, laws of 1979, 1st ex. sess., the procedural requirements of the abandoned vehicle provisions of RCW 46.52.111, RCW 46.52.112 and RCW 46.52.114 (i.e. notice to registered and legal owners and publishing in a newspaper of general circulation of the date, time and place of public sale, etc.) may be commenced but the sale of a vehicle at public auction shall not take place until after the requested hearing has been held or the request has been otherwise disposed of by order of the district court.

#### NEW SECTION

WAC 308-61-180 **HEARING REQUESTS** (1) Upon receipt of a hearing request from a registered owner, a district court shall provide the registered disposer and enforcement officer a copy of such request together with the assigned hearing date.

(2) Upon completion of the hearing, the district court shall forward a copy of the judgment to the enforcement agency and the registered disposer as shown on the hearing request document.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-200 WRECKERS—APPLICATION FOR LICENSE. An original application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his vehicle(s) are properly identified in accordance with WAC 308-61-220(6). ~~((The fee for an original license is twenty-five dollars.))~~

~~((All wreckers' licenses expire annually on June 30 and may be renewed prior to that date by payment of the ten dollar renewal fee.))~~ No license will be renewed unless the wrecker's premises have been inspected by an appropriate law enforcement officer or authorized representative of the department. Failure to renew the license prior to June 30 will require the payment of an original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated in the conduct of his business by the applicant, or wrecker seeking renewal and shall identify such vehicles by make, model, year or other adequate description, and identification number.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-210 WRECKERS—SPECIAL PLATES. All vehicles operated by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-220 WRECKERS—GENERAL PROCEDURES AND REQUIREMENTS. All

wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

(1) Enclosure. The activities of a motor vehicle wrecker shall be conducted entirely within his established place of business. A physical barrier shall designate the boundary of the wrecking yard except that, where necessary to obscure public view of the premises, such premises shall be enclosed by a sight-obstructing wall or fence at least eight feet high.

(a) A permanent physical barrier shall be made of posts permanently placed in the ground and connected by at least two strands of chain, cable, or barbed wire, or of other equally strong and permanent construction.

(b) Where required, such sight-obstructing wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. Any fence should be made of chain link with slats or other construction that will prevent public view of the premises.

(c) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(d) All enclosures and barriers shall be kept in good repair. Dying portions of any hedge shall be replaced.

(e) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(f) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same law enforcement jurisdiction, such as a city or county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) above. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Tow car fee. The license of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

(6) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to

both sides of the vehicle in letters or numerals at least ((four)) three inches high.

(7) Surrendering license plates. ~~((All license plates coming into the possession of a licensed wrecker shall be surrendered to an authorized representative of the department prior to submitting his monthly report.))~~ The wrecker shall remove license plates from all vehicles as soon as they are acquired, store such plates in a safe place, and shall surrender such plates to an authorized representative of the department prior to submitting his monthly report.

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

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-230 WRECKERS—PROCEDURES FOR ACQUIRING VEHICLES AND VEHICLE PARTS. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish proof of ownership as follows:

(1) Certificate of title properly endorsed in the case of vehicles from states issuing a title.

(2) Certificate of registration and notarized bill of sale from a state issuing registration certificates only.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

~~((4) Permit to wreck, pursuant to RCW 46.12.230.))~~  
~~((5))~~ (4) Insurance company bills of sale pursuant to WAC 308-58-030.

~~((6))~~ (5) Affidavit of sale pursuant to WAC 308-61-140(1) and (2).

~~((7))~~ (6) Authorization to dispose pursuant to RCW 46.52.150.

~~((8) Sheriff's bill of sale for ten-year-old or older vehicles pursuant to RCW 46.52.116.~~

~~((9))~~ (7) (a) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. For acquiring major component parts ~~((as defined in WAC 308-61-010(9)))~~ a bill of sale shall include verification of the name and address of the seller, the date, plus the identification number of the vehicle from which the major component part came.

(b) Acquiring parts from vehicles which have had identification numbers removed, defaced or tampered with shall be grounds for suspension or revocation of license, except vehicles cleared by law enforcement agencies.

(c) A copy of each bill of sale shall be maintained on acquired parts for a period of three years.

#### AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-260 WRECKERS—SELLING USED VEHICLES. (1) Any motor vehicle wrecker who

buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) Any vehicle which has been inoperable for more than six months shall be removed from the dealer's area and entered into the wrecking yard.

(4) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regards to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed.

#### AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-270 WRECKERS—ADDITIONAL GROUNDS FOR DENIAL, SUSPENSION, REVOCATION OR CIVIL FINE ASSESSMENT—UNLAWFUL PRACTICES. In addition to RCW 46.80.110 and WAC 308-61-250[308-61-050], a wrecker's license may be denied, suspended or revoked, or the licensee or applicant may be assessed a civil fine up to five hundred dollars for each violation whenever the wrecker or applicant has committed, or is at the time committing, one of the following unlawful practices:

~~((1) Acquiring vehicles or parts thereof without title or other appropriate documentation as provided in chapter 46.80 RCW or in chapter 308-61 WAC;~~

~~(2) Buying, selling, receiving, disposing of or having in his possession any vehicle or part thereof whose identification number has been removed, defaced, covered, altered or destroyed to conceal or misrepresent the identity of such vehicle or part, without notifying the law enforcement agency having jurisdiction over the wrecker's premises;~~

~~(3) Failing to segregate vehicles as required by WAC 308-61-030;~~

~~(4) Destroying vehicles other than at his licensed wrecking yard;~~

~~(5) Failing to comply with any provision of chapter 46.80 RCW and the rules and regulations applicable thereto before offering for sale and selling used vehicles or vehicle parts;~~

~~(6) Wilfully misrepresenting the physical condition of any motor or integral part of a vehicle;~~

~~(7) Committing forgery or misstating a material fact on any title, registration or other document covering a vehicle that has been reassembled from parts obtained by dissembling other vehicles;~~

~~(8) Committing any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale or purchase of a vehicle or part thereof;~~

~~(9) Renting, loaning or otherwise permitting the use of special license plates issued to the wrecker, on vehicles not owned, leased or rented and operated by him;~~

~~(10) Failing to comply with any provision of chapter 46.80 RCW of the rules and regulations adopted thereunder, as now or hereafter amended, or with any of the provisions of Title 46 RCW and rules and regulations adopted thereunder relating to registration and certificates of title of vehicles.~~

~~((11) Failure to keep records pursuant to chapter 46.80 RCW and WAC 308-61-240;))~~

(1) Misuse of motor vehicle wrecker plates assigned such as renting or loaning for use on vehicle not owned, leased, rented or operated by a licensee or his employee.

~~((12)) (2) Failure to maintain an established place of business ((and)) which conforms with zoning laws pursuant to RCW 46.80.010; and~~

~~((13)) (3) Failure to make records available during regular business hours to authorize enforcement agencies or officers or employees of the department.~~

(4) Failure to maintain a segregated storage area as required by WAC 308-61-035 when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW 46.80.110(i).

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

## WSR 79-10-012

### ADOPTED RULES

#### DEPARTMENT OF LICENSING

[Order 554-DOL—Filed September 7, 1979]

Be it resolved by the Department of Licensing, acting at the 4th Floor Conference Room, Room 4A, Highways-Licenses Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to the amending of WAC 308-61-010, 308-61-025, 308-61-040, 308-61-050, 308-61-100, 308-61-110 and 308-61-120.

This action is taken pursuant to Notice No. WSR 79-08-089 filed with the code reviser on 7/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.52.115 which directs that the Director of the Department of Licensing has authority to implement the provisions of chapter 46.52 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 7, 1979.

By R. Y. Woodhouse  
Director

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

### WAC 308-61-010 DEFINITIONS—GENERAL.

(1) Department. The department of licensing of the state of Washington.

(2) Director. The director of the department of licensing.

~~((3) Sheriff. For the purposes of this chapter "sheriff" means the sheriff in a county or the person who fulfills the normal duties of the sheriff including the disposition of abandoned vehicles or automobile hulks.))~~

~~((4)) (3) Destroy. To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.~~

~~((5)) (4) Demolish. To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.~~

~~((6)) (5) Secure area. A secure area is a place of safety for vehicle storage and is an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least eight feet high with at least two strands of barbed wire at the top.~~

~~((7)) (6) Licensee. A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor as defined in WAC 308-61-020.~~

~~((8)) (7) Written bid. A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.~~

~~((9) Major component part. For the purposes of this chapter the following are considered major component parts of a vehicle:~~

- ~~(a) Engines and short blocks;~~
- ~~(b) Frames;~~
- ~~(c) Transmission and transfer cases;~~
- ~~(d) Cabs;~~
- ~~(e) Doors;~~
- ~~(f) Front and/or rear differentials;~~
- ~~(g) Front and rear clips;~~
- ~~(h) Quarter panels;~~
- ~~(i) Truck beds or boxes;~~
- ~~(j) Vehicle seats;~~
- ~~(k) Hoods;~~
- ~~(l) Bumpers.))~~

(8) Impounded and Abandoned Vehicles – For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or Section 3, chapter 178, laws of 1979, 1st ex. sess. After the 5th day if a vehicle has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-025 DEFINITIONS—REPORTS, DOCUMENTS. (1) Seller's report of sale. A seller's report of sale on a form furnished by the department will relieve a registered owner from personal liability for costs incurred in the removal, storage or disposal of an abandoned vehicle as provided in RCW 46.52.106 and 46.52.112 if submitted to the department within five days of sale. The seller's report of sale need not be filed if the vehicle has been sold or traded to a licensed dealer. This definition does not apply to the sale of a vehicle by a dealer or to the public sale of an abandoned vehicle hulk.

(2) Abandoned vehicle report. (a) An abandoned vehicle report shall be submitted (~~(in duplicate)~~) to the department(;) on the forms provided(;) by any registered disposer taking custody of an abandoned vehicle or (~~(automobile)~~) hulk (~~(or garage keeper with whom the vehicle was stored)~~).

(b) The current registered and legal owner information shall be supplied by the department of licensing and the disposer shall send a Notice of Custody and Sale to the latest reported registered and legal owner providing the disposer has not previously notified the registered and legal owner.

(3) Notice of custody and sale. A notice of custody and sale is that document sent by the registered disposer to the registered owner and legal owner giving legal notice of amount of the registered disposer's or garage keeper's lien for services, when due, place and time of public sale if not paid and right to seek judgment for deficiency against the registered owner for a maximum of ~~((one))~~ two hundred dollars minus the sale price of the vehicle.

(4) Affidavit of sale. An affidavit of sale is that document given to the successful bidder by the registered disposer or garage keeper. The registered disposer or garage keeper shall state in such affidavit of sale that the sale was conducted under proper procedures and shall indicate the disposition of monies derived from such sale. The affidavit may be submitted to the department with an application for certificate of title or may be used by a licensed auto wrecker, hulk hauler or scrap processor in lieu of certificate of title to report the acquisition for destruction or demolition.

(5) Report of disposition of abandoned vehicle. A report of disposition of abandoned vehicle is that document sent to the Washington state patrol, on the form provided, by the registered disposer showing the disposition of the vehicle previously reported to the department on the Abandoned Vehicle Report form provided.

(6) Release of interest. A release of interest is that notarized document, signed by the owner in accordance with the rules pertaining to vehicle titles on a form provided by the department, by which the owner may relinquish interest in a vehicle if the certificate of title is not available for his signature.

(7) Bill of sale. A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make,

model and identification or serial number; the date of sale; and the purchase price of the vehicle or part. A private party sale shall include the notarized signature of the seller. Bills of sale are acceptable in lieu of title in the case of vehicles from nontitle states or when an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-58-030. (~~(Sheriff bills of sale issued pursuant to RCW 46.52.116 may also be used in lieu of title.)~~)

(8) Abandoned vehicle bid form. An abandoned vehicle bid form is that form provided by the department for the purpose of recording the second and third highest bids at the sale of abandoned vehicles.

AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-040 DOCUMENTS SUPPORTING ACQUISITION OF VEHICLES. Any licensee may acquire vehicles for hauling, destruction or demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession when used by an appropriate licensee:

(1) Affidavit of lost or stolen title. When a title is lost or stolen, an affidavit of lost or stolen title executed by the registered or legal owner of record and a release of interest describing the vehicle in full, both of which shall be notarized, will be acceptable in lieu of title.

~~((2))~~ Permit to wreck. (a) ~~When a licensed wrecker is in possession of a vehicle ten years or older, and ownership of which or whose owner's residence is unknown, a permit to wreck a vehicle, or part thereof, issued by the department, will be acceptable in lieu of title.~~

(b) ~~Prior to submitting an application for such permit, inquiry shall be made to the department to determine if record of the vehicle is on file. In the event record of the vehicle is on file, the application shall be accompanied by a notarized release of interest from the registered and legal owners. If no registered or legal owner can be located, evidence shall be presented of efforts made to contact the owner(s), such as copies of correspondence and returned receipts for registered or certified mail.~~

(c) ~~If no record is on file, the wrecker shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the state in which the vehicle was last registered. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle. When all reasonable efforts to obtain the owner information have proved unsuccessful, the permit to wreck may be issued. Before the issuance of a permit, the department may require inspection by the Washington state patrol for vehicle identification number. A record of all steps taken to locate the owner of the vehicle shall be kept by the wrecker to whom the permit was issued for three years.~~

~~((d)) A fee of one dollar plus filing fee of one dollar shall be included with the application for the permit to wreck:))~~

~~((3)) (2) Insurance bills of sale. When a vehicle is purchased from an insurance company which has surrendered title to the department, a bill of sale from the insurer will be acceptable in lieu of title.~~

~~((4)) (3) Authorization to dispose. Upon request from a private person having the right to possession to property upon which an abandoned junk motor vehicle has been left, or from a governmental unit possessing jurisdiction over public property, a written authorization to dispose of such vehicles will be acceptable in lieu of title. Such authorizations may only be issued by law enforcement officers having jurisdiction or authorized representatives of the department, on forms provided for this purpose, after a determination that the vehicle qualifies as an abandoned junk motor vehicle. The ultimate disposition of such vehicles shall be through a scrap processor or vehicle wrecker. ((and such vehicles may never be offered for sale as a whole vehicle:))~~

~~((5)) (4) Affidavit of sale. When an abandoned vehicle is acquired at public sale, an affidavit of sale on the form provided by the department and completed by the registered disposer taking custody of and selling or retaining the vehicle, will be acceptable in lieu of title.~~

~~((6) Bill of sale. When, pursuant to a city or county ordinance, an abandoned vehicle ten or more years old is impounded and declared a public nuisance, a bill of sale signed by the sheriff will be acceptable in lieu of title:))~~

~~((7)) (5) Invoice or bill of sale from wrecker. When vehicles are purchased from a wrecker licensed by the department, which have been properly reported, an invoice or bill of sale from said wrecker listing each vehicle by "yard number" will be acceptable in lieu of title.~~

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-050 GROUNDS FOR DENIAL, SUSPENSION, REVOCATION—UNLAWFUL PRACTICES. The director may, by order, deny an application for license under Chapters 46.52, 46.79, and 46.80 RCW, or suspend or revoke any license if he finds that the order is in the public interest and that the applicant, licensee or any partner, officer, director or majority stockholder has failed to comply with any of the provisions of the above-named chapters or the rules and regulations adopted thereunder, or other provisions of Title 46 RCW, or the rules and regulations adopted thereunder relating to the registration, titling, acquisition, handling or disposition of vehicles. In addition, a license may be denied, suspended or revoked if the director has reason to believe that the applicant or licensee or any of the above-named persons has:

(1) been the holder of a certificate of registration issued under the law which was revoked for cause, or suspended and the terms of the suspension have not been terminated;

(2) made a false statement of material fact in his application or any supporting documents attached to the application; or

~~((3) is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature:))~~

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-100 REGISTERED DISPOSERS—APPLICATION. (1) The application for registration of tow truck operators to dispose of abandoned vehicles and ~~((automobile))~~ vehicle hulks shall contain:

~~((a) The name under which the business is conducted, the established business address of such business, and the telephone number of such business:))~~

~~((b) The name and address of the owner, or if a partnership, the name and address of each partner. If the owner is a corporation, the names of the principal officers and their addresses:))~~

~~((c)) (a) A statement as to whether the applicant has previously been registered to dispose of abandoned vehicles or abandoned automobile hulks. If the applicant has been so registered, then the registration number shall be shown.~~

~~((d)) (b) A statement as to whether the applicant currently has a towing or storage contract with any unit of government and giving the name of such governmental unit if a contract exists.~~

~~((e)) (c) A statement as to whether the applicant has previously engaged in the vehicle towing or storage business under a different name. If the applicant has, the name, addresses, and dates of the business shall appear. If the applicant has been under a different personal name in said business, that name shall be given.~~

~~((f)) (d) A statement as to the applicant's solvency.~~

~~((g) A statement and description of insurance coverage:))~~

~~((h)) (e) A statement and description of facilities available to the applicant for the storage of abandoned vehicles or automobile hulks.~~

~~((i)) (f) A description of each towing vehicle equipped with a lifting mechanism and used by the applicant in his business. Such description shall include the make, year, model or other adequate description, and identification number of the vehicle and the regular Washington license plates assigned to it.~~

~~((j)) (g) A statement as to whether the applicant has ever had a business license suspended or revoked and, if so, an explanation of the circumstances.~~

~~((k)) (h) A statement setting forth the applicant's standard fee schedule for towing, storage and other charges. (The department shall be notified within ten days of any changes.)~~

~~((l)) (i) A statement of the hours available for towing services. If a towing operator has more than one place of business, he shall list hours for each location.~~

(2) An applicant shall appear for a personal interview if requested by the department.



AMENDATORY SECTION (Amending Order MV451, filed 9-26-77)

WAC 308-61-110 REGISTERED DISPOSERS—GENERAL PROCEDURES AND REQUIREMENTS. All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) Additional places of business. The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location.

(2) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(3) Changes in ownership. Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change. A complete sale of business requires a full application from the new owner(s).

~~(4) Insurance coverage. ((Each registered disposer and garage keeper shall carry at least five thousand dollars of insurance to protect against vehicle damage from, including but not limited to, fire and theft incurred from the time a vehicle comes into his custody until it is sold as an abandoned vehicle or reclaimed by the registered or legal owner. Each registered disposer shall also carry at least fifty thousand dollars of liability insurance for property or bodily injury. The department shall be notified within ten days of any change which leaves the disposer or garage keeper without the necessary minimum coverage. A copy of the insurance policy or certificate of coverage shall be filed with the department. The insurer shall notify the department if the policy is cancelled.)) Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for:~~  
(a) insurance to protect vehicle owners under a garagekeeper legal liability policy for vehicles in his care, custody and control including, but not limited to, fire and theft in the amount of \$10,000.00 for each vehicle.

(b) A minimum of \$50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.

(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public

protection proportionate to the size of each business location.

(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

(5) Storage areas. Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence.

(6) Business hours. Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

(7) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of the state shall display the licensee's name, city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle in letters or numerals at least three inches high.

(8) Fee schedule. The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) Registration number. The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

AMENDATORY SECTION (Amending Order MV174, filed 10-19-73)

WAC 308-61-120 REGISTERED DISPOSERS—PROCEDURES FOR TAKING CUSTODY. (1) Vehicles deemed abandoned. Vehicles meeting the requirements of RCW 46.52.102 and 46.52.145 may be deemed abandoned vehicles and abandoned junk motor vehicles, respectively. In addition, vehicles left in garage storage may be deemed abandoned in the following manner:

(a) Fixed contract of storage. A vehicle stored under a fixed contract of storage may be deemed abandoned on the ~~((fifth))~~ third day following expiration of the contract. The fact of abandonment shall be reported to the department and Washington state patrol ~~((within ten days of the date of abandonment))~~ by the fourth day after expiration of the fixed contract of storage.

(b) Open-ended contract of storage. A vehicle stored under an open-ended contract of storage may be deemed abandoned at any time by the ~~((garage keeper))~~ registered disposer. The fact of abandonment shall be reported to the department and Washington state patrol within ~~((ten days of the date of abandonment))~~ twenty-four hours from the time a vehicle is declared abandoned.

The abandoned vehicle may be offered for public sale pursuant to RCW 46.52.111 and 46.52.112 or other appropriate statutory procedures ~~((, as if it were being offered by a registered disposer))~~. If offered for sale

pursuant to RCW 46.52.111 and 46.52.112, the ~~((garage keeper))~~ registered disposer shall in addition notify the owner of the date the vehicle was deemed abandoned.

(2) Must possess written authority to tow or other evidence of lawful possession. Unless the registered disposer has appropriate evidence of ownership or lawful possession for every abandoned vehicle, he shall have in his possession a properly executed written authority to tow from the person requesting removal of the vehicle before he may take custody of any vehicle and while he transports such vehicle.

The properly executed written authority to tow or other evidence of lawful possession will suffice in lieu of current license plates or trip permits for such abandoned vehicles.

(3) Claiming vehicles. (a) Either a registered or legal owner may claim an abandoned vehicle from a registered disposer by payment of the disposer's charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of or placed in custody by any law enforcement agency, the registered disposer shall notify such agency of the fact that the vehicle has been claimed, and by whom.

(b) A registered owner who prevails at a hearing shall turn in to the disposer evidence from the district court the impound was held to be invalid. A registered disposer is entitled to collect his impounding costs from the impounding enforcement agency in each case in which he has reimbursed a registered owner because an impound was found to be invalid.

(c) Registered disposers shall maintain a separate trust account for the deposit of cash bonds. Such trust account shall be in an amount which is equal to the total of all deposits on cases still to be tried in district court.

(4) Surrendering titles. The registered disposer shall attach to the affidavit of sale any certificate of title voluntarily surrendered to him by the registered or legal owner of an abandoned vehicle. Having the certificate of title in his possession does not relieve the registered disposer of the duty to issue an affidavit of sale to the high bidder at public sale.

**WSR 79-10-013**  
**ADOPTED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-75—Filed September 7, 1979]

I, Gordon Sandison, director of Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

This action is taken pursuant to Notice No. WSR 79-07-124 filed with the code reviser on July 3, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 16, 1979.

By Gordon Sandison  
 Director

AMENDATORY SECTION (Amending Order 78-66, filed 8/25/78)

WAC 220-74-020 PRIORITIES. (1) It is the duty of the department to assure that egg requirements for state hatcheries and natural spawning escapements are satisfied. Once these requirements have been met, eggs surplus to these requirements will be provided ((first)) to voluntary cooperative salmon culture programs under the supervision of the department, ((then)) to qualified transferees(;) and((, finally, for sale under chapter 220-74 WAC)) to qualified exchangees. Once these requirements are satisfied, the eggs may be made available for sale under chapter 220-74 WAC.

Qualified transferees are governmental hatcheries in Washington and Oregon or hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the Interlocal Cooperation Act, chapter 39.34 RCW, for release or experiments designed to benefit the citizens of the state and private or other governmental laboratories to whom eggs are moved, not sold, for experiments designed to benefit the citizens of the state. Qualified exchangees are governmental entities who are provided eggs by the department and from whom the department obtains eggs on a mutually agreeable basis and for the benefit of the citizens of the state.

(2) To encourage the use of surplus live salmon eggs available for sale for the optimum benefit of the citizens of the state, the following priorities will be followed, within practical limitations, in distributing surplus live salmon eggs resulting from returns to artificial production facilities:

~~((1))~~ (a) Sales to in-state aquaculturists when the eggs would be hatched, the resulting fry reared, by a person or corporation engaged in the ~~((fishing))~~ fish industry in this state ~~((which owes and pays or agrees to pay and pays privilege fees and fish sales taxes as provided for in chapter 75.32 RCW)).~~

~~((2))~~ (b) Sales to private Oregon sea ranchers where fish are to be released for migration from Oregon sites to the Pacific Ocean and thus subject to the public capture fisheries of the state of Washington.

~~((3))~~ (c) Sales to the hatcheries located in California and Alaska where the fish are to be released at sites located in those states for migration to the Pacific Ocean for harvest by public capture fisheries and thus subjected to public capture by fishermen of the state of Washington.

~~((4))~~ (d) Sales to other state, federal and private aquaculture programs which ~~((do not))~~ neither qualify as qualified transferees or exchangees nor meet the requirements of the first three priorities.

~~((5))~~ Foreign sales: (e) Sales to foreign governmental entities which are not qualified transferees or exchangees and to other foreign entities (corporations).

NEW SECTION

WAC 220-74-022 CERTAIN SALES DISALLOWED. (1) Sales of surplus eggs as described in WAC 220-74-020 shall not be allowed where the person or corporation seeking to buy said eggs has not paid all fees and taxes due and owing to the state of Washington, department of fisheries, including but not limited to, license fees and privilege and tax fees due and owing as provided in chapter 75.32 RCW.

(2) Notwithstanding the provisions of chapter 220-74 WAC, the department reserves the right to refuse to sell surplus salmon eggs to any purchaser for good cause.

AMENDATORY SECTION (Amending Order 79-13, filed 2/22/79)

WAC 220-95-015 SURVEY—VESSEL—GEAR—LICENSE—PERMIT. (1) Each vessel and appurtenant equipment and gear other than gill nets for which an Application for Survey of Commercial Salmon Fishing Vessel is properly received shall be independently surveyed by two qualified marine surveyors (~~((appointed))~~) chosen by the applicant from a list of surveyors supplied by the department to determine the current fair market value. The owner of each vessel and the program manager, or ((his)) their representatives, shall be in attendance during each survey. The results of the surveys shall be ((confidential and shall at all times remain the property of the department, except that vessel surveys may be viewed by the vessel owner at the time the computed price is communicated to the applicant in writing but no copies of such surveys shall be made)) provided to both the owner and the program manager and shall remain confidential prior to the sale of the vessel to the program. The cost of such surveys shall be borne by the vessel owner but will be reimbursed as part of the vessel purchase should the owner sell the vessel to the program.

(2) The owner of each qualified vessel utilizing gill net gear may offer to sell no more than two gill nets together with the vessel provided that such nets shall each be suitable for use in a fishery for a different species of salmon, shall be no less than 100, nor more than 300, fathoms in length, and shall be suitable for immediate use in a gill net fishery. The owner of each gill net offered for sale shall complete and submit to the program((~~s~~)) manager a notarized description of each net on a form supplied by the department.

(3) ~~((If the difference between the values received by the Program's Manager from the two surveyors is more than 20% of the lesser of the two surveyed values;))~~ A third survey will be made when the following differences occur between the first two surveys:

(a) If the value of the lower survey is under \$50,000 and the difference between the two surveys is more than 20% of the lesser of the two values.

(b) If the value of the lower survey is over \$50,000 and the difference between the two surveys is more than 10% of the lesser of the two values. In such cases the vessel and appurtenant equipment and gear other than ((gill nets)) fishing gear not included in the previous surveys shall be promptly surveyed by a third qualified marine surveyor appointed by the department, from the

same list of surveyors supplied by the department to the owner for the previous two surveys, to determine current fair market value. The owner of each vessel and the program manager, or ((his)) their representatives, shall be in attendance during such third survey. The results of the third survey shall be ((confidential and shall at all times remain the property of the department, except that such third survey may be viewed by the vessel owner at the time the recomputed price is communicated to the applicant in writing but no copies of such surveys shall be made)) provided to both the owner and the program manager and shall remain confidential prior to the sale of the vessel to the program.

(4) Each license or delivery permit shall be valued by the department at fair market value following consultation with Advisory Board established pursuant to RCW 75.28.530.

AMENDATORY SECTION (Amending Order 76-26, filed 4/20/76)

WAC 220-95-020 OFFER TO SELL. (1) After completion of all required surveys and documents, the manager shall compute the average of the two surveys, or the average of the two surveys which are closest in amount to each other if three surveys have been performed, plus the price of any ~~((gill nets))~~ fishing gear, if any, not included in the vessel surveys plus the price of the licenses and delivery permits. The manager may communicate this computed price in writing to the applicant and may inform the applicant that the department will accept an offer to sell the vessel, equipment, gear, nets, licenses, and permits at the computed price.

(2) The department, through the program((~~s~~)) manager, shall not accept any offer to sell at a price other than the computed price and shall not accept any offer to sell at the computed price which is made later than 10 days after the date on which the computed price is communicated in writing to the applicant.

AMENDATORY SECTION (Amending Order 76-26, filed 4/20/76)

WAC 220-95-030 OFFER TO SELL—FORMS. All offers to sell ~~((, whether for the computed price or for the recomputed price;))~~ shall be made on forms supplied by the department and subject to the terms and conditions in said forms.

AMENDATORY SECTION (Amending Order 76-45, filed 6/10/76)

WAC 220-95-050 USE OF BUY-BACK VESSELS. (1) Vessels sold by the department shall not be used in waters within the state of Washington or concurrent waters of the Columbia river as a fishing vessel or a fish delivery vessel other than as a vessel used for angling or other personal use.

(2) No subsequent sale, charter, rental, transfer, etc., shall operate to obviate the prohibition contained in ~~((paragraph))~~ subsection (1) of this section.

(3) The prohibition against any subsequent utilization of the vessels within the state of Washington or concurrent waters of the Columbia river as fishing vessels or

fish delivery vessels other than for angling or other personal use applies to all persons whether Washington residents of other jurisdictions, and whether treaty Indians, nontreaty Indians or non-Indians.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 220-95-025 SURVEY (OWNER'S EXPENSE)—RECOMPUTED OFFER TO SELL.

(2) WAC 220-95-035 ADVISORY BOARD.

#### AMENDATORY SECTION (Amending Order 77-14, filed 4/15/77)

WAC 220-20-010 GENERAL PROVISIONS—LAWFUL AND UNLAWFUL ACTS—SALMON, OTHER FOOD FISH AND SHELLFISH. (1) It shall be unlawful to take, fish for, possess or transport for any purpose food fish, shellfish or parts thereof, in or from any of the waters or land over which the state of Washington has jurisdiction, or from the waters of the Pacific Ocean, except at the times, places and in the manners and for the species, quantities, sizes or sexes provided for in the regulations of the Department of Fisheries.

(2) It shall be unlawful for any person, corporation, business, or company to have in possession or under control or custody any salmon or other food fish or shellfish within the land or water boundaries of the state of Washington, except in those areas which are open to commercial fishing or wherein the possession, control or custody of salmon or other food fish or shellfish for commercial purposes is made lawful under a statute of the state of Washington or the rules and regulations of the Director of Fisheries, unless otherwise provided.

(3) It shall be lawful to take, fish for, possess, process and otherwise deal in food fish and fish offal or scrap for any purpose, provided; that it shall be unlawful to use any of the following listed species for purposes other than human consumption or fishing bait:

Pacific halibut	( <i>Hippoglossus stenolepis</i> )
Pacific herring	( <i>Clupea harengus pallasi</i> )
(except when lawfully taken from Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 21B as prescribed in WAC 220-49-020)	
Salmon	
Chinook ((or King))	( <i>Oncorhynchus tshawytscha</i> )
Coho	( <i>Oncorhynchus kisutch</i> )
Chum ((or Dog))	( <i>Oncorhynchus keta</i> )
Pink ((or Humpback))	( <i>Oncorhynchus gorbuscha</i> )
((Coho or Silver)) <u>Sockeye</u>	( <i>Oncorhynchus nerka</i> )
Masu	( <i>Oncorhynchus masu</i> )

(4) It shall be unlawful for any person to take, fish for or possess food fish or shellfish smaller than the lawful commercial sizes while aboard any craft engaged in commercial fishing or having commercially caught fish aboard.

(5) It shall be unlawful for the owner or operator of any commercial food fish or shellfish gear to leave such

gear unattended in waters of the state or offshore waters unless said gear is marked with a buoy to which shall be affixed in a visible and legible manner the Department of Fisheries approved and registered buoy brand provided that;

(a) Buoys affixed to unattended gear must be visible on the surface of the water except during strong tidal flow or extreme weather conditions.

(b) Effective January 1, 1975, when two or more shellfish pots are attached to a common ground line the number of pots so attached must be clearly labeled on the required buoy.

(c) It shall be unlawful at any time to leave a gill net unattended in the commercial salmon fishery.

(6) It shall be unlawful to place any commercial food fish or shellfish gear in any waters closed to commercial fishing, provided; that this provision shall not apply to reef nets or brush weirs or to gear being tested under supervision of the Department of Fisheries, provided further that it shall be unlawful to take, fish for or possess food fish with any type of commercial fishing gear in the waters of Carr Inlet north of north latitude 47° 20' from August 15 through November 30 except as provided in chapter 220-47 WAC.

(7) It shall be unlawful for the owner or operator of any fishing gear to refuse to submit such gear to inspection in any manner specified by authorized representatives of the Department of Fisheries.

(8) It shall be unlawful for any person taking or possessing food fish or shellfish taken from any of the waters or beaches of the state of Washington or the Pacific Ocean for any purpose to fail to submit such food fish or shellfish for inspection by authorized representatives of the Department of Fisheries.

(9) It shall be unlawful for any person licensed under the Fisheries Code of Washington to fail to make any report or return required of him by the Department of Fisheries relative to the taking, selling, possessing, transporting, processing, freezing and storing of food fish or shellfish whether taken within the jurisdiction of the state of Washington or beyond or on Indian reservations or usual and accustomed Indian fishing grounds.

(10) It shall be unlawful to take, fish for or possess or to injure, kill or molest fish in any fishway, fish ladder, fish screen, holding pond, rearing pond, or other fish protective device, or to interfere in any manner with the proper operation of such fish protective devices.

(11) It shall be unlawful to club, gaff, shoot, snag, snare, dip net, harass, spear, stone or otherwise molest, injure, kill or destroy any food fish or shellfish or parts thereof, or for any person to attempt to commit such acts, or to have any fish, shellfish or parts thereof so taken in possession, provided; that it shall be lawful to use a dip net, gaff or club in the landing of food fish taken by personal-use angling.

(12) It shall be unlawful to take or possess for any purpose any food fish or shellfish smaller than the lawful minimum size limits. Any such fish either snagged, hooked, netted or gilled must be immediately returned to the water with the least possible injury to the fish or shellfish and it shall be unlawful to allow undersize

salmon entangled in commercial nets to pass through a power block or onto a power reel or drum.

(13) It shall be unlawful to possess aboard any vessel engaged in commercial fishing or having commercially caught fish aboard any salmon or other food fish or shellfish in such condition that its species, length, weight or sex cannot be determined if a species, length, weight, or size limit is prescribed for said species.

(14) It shall be unlawful in any area to use, operate or carry aboard a commercial fishing vessel a licensed net or combination of such nets, whether fished singly or separately, in excess of the maximum lawful size or length prescribed for a single net in that area, except as otherwise provided for in the rules and regulations of the Department of Fisheries.

(15) It shall be unlawful for any permit holder to fail to comply with all provisions of any special permit or letter of approval issued to him under the authority of the Director of Fisheries, or to perform any act not specifically authorized in said document or in the regulations of the Director of Fisheries.

(16) It shall be unlawful to use, place or cause to be placed in the waters or on the beaches or tidelands of the state any substance or chemical used for control of predators or pests affecting food fish or shellfish or other aquatic marine organisms, without first having obtained a special permit to do so from the Director of Fisheries.

(17) It shall be lawful to test commercial net fishing gear, excluding gill nets, as follows:

(a) Bellingham Bay – inside of a line from Governor's Point to the north tip of Eliza Island to Point Francis in waters 10 fathoms and deeper.

(b) Central Puget Sound – between lines from Meadow Point to Point Monroe and Skipp Point to West Point in waters 50 fathoms and deeper.

(c) East Pass – between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(d) All tows or sets are limited to one hour exclusive of setting and retrieving time.

(e) All testing is to be accomplished between 8:00 AM and 4:00 PM.

(f) Codends of trawl nets must be left open.

(g) Any and all incidentally caught fish must be returned to the waters, and no fish are to be brought aboard the vessel at any time during a gear test operation.

(h) It shall be unlawful for any person conducting such gear testing operations to fail to notify the Fisheries Patrol office in Olympia prior to testing.

#### AMENDATORY SECTION (Amending Order 78-20, filed 4/27/78)

WAC 220-20-015 LAWFUL AND UNLAWFUL ACTS—SALMON. (1) It shall be unlawful to take, fish for or possess salmon taken for commercial purposes within a distance of three miles from any river or stream flowing into Puget Sound, unless otherwise provided.

(2) It shall be unlawful to operate in any river, stream or channel any gill net gear longer than three-fourths the width of the stream; this provision shall supersede all other regulations in conflict with it.

(3) It shall be unlawful to operate any snag net without permit from the Department of Fisheries.

~~(4) ((It shall be unlawful to take, fish for, possess or offer for sale any species of spawning salmon.~~

~~(5))~~ (5) It shall be unlawful to take, fish for or possess for commercial purposes chinook salmon less than 28 inches in length and coho salmon less than 16 inches in length except as follows:

(a) In the Puget Sound commercial salmon net fishery the minimum size limit for coho salmon shall be 16 inches in length; provided there shall be no minimum size limit on salmon taken with gill net gear. The minimum size limit for chinook caught with purse seine and reef net is 28 inches.

(b) In the Grays Harbor and Willapa Harbor gill net fisheries there shall be no minimum size limit for chinook and coho salmon.

(c) In the Columbia River commercial salmon gill net fishery, there shall be no minimum size limit on salmon.

(d) In the Pacific Ocean commercial salmon troll fishery frozen chinook salmon, dressed heads off shall be 21 1/2 inches minimum and frozen coho salmon dressed heads off shall be 12 inches minimum, measured from the midpoint of the clavicle arch to the fork of the tail.

(e) In the Puget Sound commercial salmon gill net fishery there shall be no minimum size limit on salmon taken from U.S. Convention waters during the time IPSFC has control of those waters.

~~((6))~~ (5) It shall be unlawful to set, maintain, own or operate any reef net gear at any location which places the stern ends of either or both reef net boats of said gear less than a distance of 800 feet in front of or behind the head buoys of any row or reef net gear, within the boundaries of the Lummi Island Reef Net Fisheries Area, as described in RCW 75.12.140.

~~((7))~~ (6) It shall be lawful to possess salmon for any purpose which were lawfully obtained from state and federal government fish hatcheries and facilities. Subsections (3) and (12) of WAC 220-20-010 and subsection ~~((s))~~ (5) ~~((and (6))~~ of WAC 220-20-015 shall not apply to salmon possessed pursuant to this subsection.

~~((8))~~ (7) It shall be unlawful to take or fish for food fish from a commercial salmon trolling vessel with gear other than lawful troll line gear while said vessel is engaged in commercial fishing or has commercially caught fish aboard.

~~((9))~~ (8) It shall be unlawful to angle for salmon for personal use from any vessel that is engaged in commercial salmon trolling or has commercially caught salmon aboard.

**WSR 79-10-014**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 79-76—Filed September 7, 1979]

I, Gordon Sandison, director of Department of Fisheries, do promulgate and adopt at Olympia, Washington,

the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Area 6D is closed to protect Dungeness River chinook. Area 10A and the Green-Duwamish are closed to ensure that incidental catch of chinook during the coho fishery will not impact Green-Duwamish chinook escapement. Area 11A and the Puyallup and White Rivers are closed to protect chinook bound for the Puyallup and White Rivers. Area 8A is closed to protect Stillaguamish and Snohomish coho.

Areas 12, 12A, 12B, 12C, and 12D are closed to protect Hood Canal chinook. Additionally Hood Canal naturally spawning coho require protection. Area 8 and the Skagit River are closed to protect coho bound for the Skagit River.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 7, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-28-006D0D CLOSED AREA Effective immediately through September 22, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 6D.

#### NEW SECTION

WAC 220-28-00800V CLOSED AREA Effective September 10 through October 13, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 8.

#### NEW SECTION

WAC 220-28-008A0I CLOSED AREA Effective September 9 through October 13, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 8A.

#### NEW SECTION

WAC 220-28-008F0R MESH RESTRICTION—CLOSED AREA (a) Effective September 10 through October 20, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of the Skagit River downstream from the mouth of Gilligan Creek.

(b) Effective September 10 through September 17, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Skagit River between the mouth of Gilligan Creek and the Old Faber Ferry Landing above Concrete with net gear having a mesh size greater than 6 inches.

(c) Effective September 10 through September 16, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from those waters of the Skagit River upstream from the Old Faber Ferry Landing above Concrete, including all tributaries.

#### NEW SECTION

WAC 220-28-010A0M CLOSED AREA Effective immediately until further notice it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 10A.

#### NEW SECTION

WAC 220-28-010F0I CLOSED AREA Effective immediately until further notice it shall be unlawful for any fisherman including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Green-Duwamish River.

#### NEW SECTION

WAC 220-28-011A0H CLOSED AREA Effective immediately until further notice it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 11A.

#### NEW SECTION

WAC 220-28-011F0G CLOSED AREA Effective immediately until further notice it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Puyallup River.

#### NEW SECTION

WAC 220-28-011G0D CLOSED AREA Effective immediately until further notice it shall be unlawful for any fisherman, including treaty fishermen, to take, fish

for or possess salmon for commercial purposes with any type of gear from the waters of the White River.

#### NEW SECTION

WAC 220-28-01200L CLOSED AREA Effective September 9 through October 13, 1979 it shall be unlawful for any fisherman, including treaty fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12.

#### NEW SECTION

WAC 220-28-012A0E CLOSED AREA Effective September 9 through October 13, 1979 it shall be unlawful for any fisherman including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12A.

#### NEW SECTION

WAC 220-28-012B0F CLOSED AREA Effective September 9 through October 13, 1979 it shall be unlawful for any fisherman including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12B.

#### NEW SECTION

WAC 220-28-012C0K CLOSED AREA Effective September 9 through October 13, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12C.

#### NEW SECTION

WAC 220-28-012D0K CLOSED AREA Effective September 9 through October 13, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 12D.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-006D0C MESH  
RESTRICTION (79-60)  
WAC 220-28-011A0G MESH  
RESTRICTION (79-67)  
WAC 220-28-011F0F MESH  
RESTRICTION (79-67)  
WAC 220-28-011G0C MESH  
RESTRICTION (79-67)

Effective September 9, 1979:

WAC 220-28-008A0H MESH  
RESTRICTION (79-64)

WAC 220-28-01200K CLOSED AREA (79-64)  
WAC 220-28-012B0E CLOSED AREA (79-64)

WAC 220-28-012C0J CLOSED AREA—MESH  
RESTRICTION (79-64)

WAC 220-28-012D0J CLOSED AREA (79-48)

Effective September 10, 1979:

WAC 220-28-00800U MESH  
RESTRICTION (79-60)

WAC 220-28-008F0Q MESH RESTRICTION—  
CLOSED AREA (79-60)

#### **WSR 79-10-015**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 79-77—Filed September 7, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect naturally spawning Washington coastal, Oregon coastal, Puget Sound and Fraser River coho salmon, plus naturally spawning Washington coastal chinook stocks. Pink salmon that remain in the area are also required for spawning escapement.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 7, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-24-02000D UNLAWFUL ACTS (1)  
Notwithstanding the provisions of WAC 220-24-020, effective 12:01 A.M. September 9, 1979 until further notice it shall be unlawful to take, fish for or possess salmon for commercial purposes with troll gear in all Washington coastal waters west of a line projected from the Tatoosh Island Light to Bonilla Point.

(2) Effective 12:01 a.m. September 9, 1979 until further notice it shall be unlawful to possess, land or receive in any Washington state port, salmon taken with troll gear.



NEW SECTION

WAC 220-28-00400D TROLL SALMON RESTRICTIONS (1) Effective 12:01 a.m. September 9, 1979 until further notice it shall be unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes with troll gear in all Washington coastal waters west of a line projected from the Tatoosh Island Light to Bonilla Point.

(2) Effective immediately until further notice, it shall be unlawful for treaty Indian fishermen to take, fish for or possess chinook salmon for commercial purposes less than 28 inches in length taken with troll gear, from Puget Sound Salmon Management and Catch Reporting Area 4B.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. September 9, 1979:

WAC 220-24-02000C UNLAWFUL ACTS (79-70)

WAC 220-28-00400C TROLL SALMON RESTRICTIONS (79-73)

**WSR 79-10-016****ADOPTED RULES****UNIVERSITY OF WASHINGTON**

[Order 79-4—Filed September 7, 1979]

Be it resolved by the board of regents, of the University of Washington, that it does promulgate and adopt the annexed rules relating to library loan policy, WAC 478-168-160, 478-168-170, 478-160-180, 478-160-190, 478-160-200, 478-160-270, 478-160-280, 478-160-290, 478-160-294, 478-160-298, 478-160-300, 478-160-320, 478-160-330, 478-160-340, 478-160-360, 478-160-380 and 478-160-390.

This action is taken pursuant to Notice No. WSR 79-05-008 filed with the code reviser on 4/12/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.20.130(1) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 13, 1979.

By Steve Milam  
Assistant Attorney General

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-160 LOAN CODE FOR THE UNIVERSITY OF WASHINGTON LIBRARIES—PURPOSE. The Board of Regents of the University of

Washington has established the following regulations ((to)) which govern the lending of library material from ((library facilities devoted mainly to the educational or research activities of)) the University of Washington Libraries (excluding Law Library and Computing Information Center).

The Board of Regents reserves the right to add, delete or modify portions of these rules and regulations, including the fine schedules, in accordance with its regulations and with applicable laws after consultation with library staff and representatives of major user groups.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-170 LIBRARY BORROWERS ((IDENTIFICATION—BORROWER CLASSIFICATION)). ((Borrowers are classified as)) The following categories of individuals are eligible for library borrowing privileges:

(1) Campus borrowers:

(a) Undergraduate((s)) and unclassified students.

(b) Graduate and professional students((, and persons with on-leave graduate status)).

(c) Graduate students with on-leave graduate status.

(d) Continuing Education participants.

((c)) (e) Faculty, consisting of the president, the vice presidents, professors, associate professors, assistant professors, instructors, research associates, and lecturers, whether serving under ((visiting,)) acting, research, clinical, or affiliate appointment, whether serving part-time or full-time, and whether serving in an active or emeritus capacity; academic staff, and administrative personnel((, and visiting scholars)) as determined by the Office of the Provost.

((d)) Nonacademic staff.

(e) Continuing education participants in the divisions of evening classes, independent study, extension services, and continuing education.))

(f) Exempt staff.

(g) Classified staff.

(h) Visiting scholars with official Visiting Scholar status.

(i) Individuals affiliated with the University who do not have official University of Washington identification cards but who have been granted borrowing privileges by the Director of Libraries.

(2) Off-campus borrowers who are granted borrowing privileges on a nonfee basis:

(a) ((Reciprocal faculty (faculty of each of the Washington state colleges and universities as specified in University Libraries General Order No. 42))) Spouses of faculty, academic staff and administrative personnel as defined in subdivision (1)(e) of this section.

(b) Retired ((academic)) faculty and staff ((employees of the University of Washington, their spouses, faculty spouses, and members in good standing of the alumni association living in the immediate Seattle area)) as defined in subdivisions (1)(e), (f), and (g) of this section.

((c)) Persons accorded borrowing privileges by the director of libraries, including state, federal, and municipal employees borrowing in an official capacity.

(d) Special borrowers, defined as persons not eligible to borrow under WAC 478-168-170(1) and 478-168-170(2)(a) through (c) who have been granted permission to borrow library materials.)

(c) Spouses of retired staff as defined in subdivisions (1)(e), (f), and (g) of this section.

(d) Spouses of Visiting Scholars.

(e) Faculty and other academic staff of each of the Washington state four year colleges and universities.

(f) Federal and state governmental employees who have need of library materials in an official capacity.

(g) Other individuals accorded borrowing privileges by the Director of Libraries.

(3) Off-campus individuals who have need for research purposes of material not available from other sources and other individuals accorded borrowing privileges by the Director of Libraries are granted borrowing privileges for a nonrefundable fee of \$30.00 per year or \$10.00 for three months.

(4) Organizations which have need for research purposes of material not available from other sources will be granted borrowing privileges for a nonrefundable fee of \$30.00 per year for one library card plus \$10.00 per year for each additional card. Each card is issued in the name of a principal borrower who assumes responsibility for return of material and payment of library charges.

(5) Individuals granted privileges through contracts with the University of Washington Libraries.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-180 ((BORROWER IDENTIFICATION)) IDENTIFICATION CARD CONDITIONS OF USE. (1) Each borrower is responsible for obtaining an official identification card from the ((proper)) appropriate University office((s or from the main library, whichever is appropriate to the borrower's classification)) or a library borrower's card from the Library Cashier Section, Suzzallo Library.

(2) ((Special borrowers may obtain an official identification card only in cases of demonstrated need by making application to the circulation librarian and paying a special borrower fee of twenty dollars to the main library cashier. The special borrower fee is not refundable. Special borrower identification cards are effective for a period of one year from the date of issue)) An identification card is authorized for use only by the individual whose name appears on the card.

(3) Official identification ((with)) must be ((required)) presented for the completion of ((all loan)) each in-person circulation transaction((s)).

(4) Each borrower is responsible for materials checked out on his/her University of Washington identification card or library borrower's card.

(5) After automation each borrower is responsible for keeping the Library informed of changes of address.

(6) Each faculty, academic staff, administrative personnel, exempt staff, Visiting Scholar, and other individuals as authorized by the Director of Libraries, may designate up to two proxies or couriers for the purpose of picking up materials for his/her use.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-190 ((BORROWER IDENTIFICATION)) DISCLOSURE OF BORROWER IDENTITY. The name((s)) or address of the borrower((s (borrower class WAC 478-168-170(1))) will be disclosed to other borrowers in this class upon request, except that the name of a borrower who has placed a HOLD will not be disclosed. Those units having automated circulation systems will not provide this information)) who has or had an item checked out or who has placed a hold on an item checked out or who has placed a hold on an item will not be disclosed to other borrowers.

In cases where the normal hold and recall procedures do not meet the borrower's need, the library will attempt to expedite return of material.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-200 LOAN ((TIME)) PERIODS((=BASIS OF LOAN TIME PERIODS)). ((The libraries have established loan time periods based on anticipated demand for the various forms of material by the several classes of borrowers.)) (1) The loan period for all library material is two weeks except as provided for below and except for material designated for use only in the library.

(2) Short Loan Periods

Unit heads may designate certain material as having a short loan period based on anticipated demand or need for reference or reserve purposes. Such loan periods are of the following:

(a) Hourly (i.e., one hour, two hours, four hours, etc.).

(b) Overnight.

(c) Three days.

(d) One week.

(3) Extended Loan Periods

Based on the general nature of the collection, unit heads may select one or more of the following options:

(a) A four week loan to any category of borrower.

(b) An end-of-quarter loan or three month loan for any of the following categories of borrowers:

(i) Undergraduate and unclassified students.

(ii) Graduate students, students with on-leave graduate status, and professional students.

(iii) Faculty as defined in WAC 478-168-170(1)(e).

(iv) Exempt staff.

(v) Classified staff.

(vi) Visiting Scholars with official Visiting Scholar status.

(c) An indefinite loan for faculty upon request. Reports of items checked out on indefinite loan are issued at least annually.

(4) Unit heads may designate special conditions of use for some material because of format, subject, rarity, etc.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-270 ((~~CONDITIONS OF USE~~))DATE LIBRARY MATERIAL IS DUE.  
 ((~~(1) Quarter, 4-week, 2-week, 1-week, and 3-day material is due by closing time on the "date due" indicated.~~

(2) Overnight material is due on the next day the library is open, two hours after the opening of the library from which such material has been borrowed.

(3) Hourly material is due at the hour specified.)) (1) Material is due on the date and hour specified at the time checked out or as adjusted by recall. If the hour is not specified, material is due at closing time on the date specified.

(2) Material checked out on indefinite loan becomes due one month from the date of issue of an indefinite loan report if the report is not signed and returned within that time.

(3) Material checked out to a borrower becomes due upon expiration date of the borrower's identification card or upon termination of employment.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-280 ((~~CONDITIONS OF USE~~))RETURN OF LIBRARY MATERIAL.  
 ((~~(1) Material is considered returned to the issuing unit as of the date returned to any library in the system. Exception - periodicals, reserve materials, and material from special collections must be returned to the location in the particular library from which it was borrowed.~~

(2) After-hours "book returns" are emptied before the libraries open and material found in them is considered to have been returned at closing time of the previous day.)) (1) Reserve material must be returned directly to the unit from which it is borrowed. If it is returned elsewhere, it is considered to be returned at the time it is received at the unit from which it was borrowed. Special material may be designated for return to the unit from which it is borrowed.

(2) All other material is considered returned the date it is returned to any unit in the system.

(3) Material returned to the outside book drop when the unit is closed will be considered returned as of closing time the previous day the library was open.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-290 ((~~CONDITIONS OF USE~~))HOLDS((, RECALLS, AND SEARCHES)). ((~~(1) Holds: Campus borrowers, borrower class WAC 478-168-170(1), or any operational unit of the library may place a HOLD on any material circulating for three days or more. A campus borrower may not place a HOLD on material already checked out to himself. Exception - a HOLD may not be placed on reserve material.~~

(2) Recalls:

(a) Library material (two-week or longer loan period) on which a HOLD has been placed will be recalled two weeks or more from the date checked out.

(b) Material needed for reserve may be recalled at any time.

(3) Searches: Borrowers who have not succeeded in locating material on the shelves should request a SEARCH.)) (1) All borrowers may place holds on nonreserve material which is checked out. A hold may be placed on:

(a) Nonreserve material with a loan period of more than three days.

(b) Reserve material for use when it comes off reserve.

(2) Borrowers may not place a hold on material checked out to themselves.

(3) Library units may place holds on all material.

(4) Material on which a hold has been placed may not be renewed.

(5) A borrower may check out for a maximum of two weeks material on which a second hold exists.

(6) When material on which a hold has been placed is returned, it is held and the requestor is informed of its availability.

(7) Order of priority of holds:

(a) Reserve units.

(b) Campus borrowers (in order by day of hold).

(c) Off-campus borrowers (in order by day of hold).

(d) Interlibrary Loan processing units.

(e) Other library units.

(8) The order of priority of holds may be adjusted by the unit head.

NEW SECTION

WAC 478-168-294 RECALLS. Material on which a hold has been placed will be recalled if the adjusted date due is earlier than the original date due.

(1) For holds placed by reserve units, the adjusted date due is one week from the date checked out or seven days from the date of the hold, whichever is later.

(2) For holds placed by borrowers, the adjusted date due is two weeks from the date checked out or seven days from the date of the hold, whichever is later.

(3) For holds placed by Interlibrary Loan processing units and other library units material is not recalled automatically. If recalled upon special request, the adjusted date due is the same as for holds placed by borrowers.

NEW SECTION

WAC 478-168-298 SEARCHES. All borrowers and library units may place searches for material which cannot be located.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-300 ((~~CONDITIONS OF USE~~))RENEWAL OF LIBRARY MATERIAL.  
 ((~~(1) Renewals are allowed for circulating material unless requested by other borrowers by means of a HOLD, except as noted in WAC 478-168-300(2) through (4).~~

(2) Overdue material may be renewed subject to the same conditions as similar material not overdue. Exception - Overdue material on which a replacement charge

has been assessed must be brought in by the borrower for renewal.

(3) Material may be renewed twice. The renewal limitations do not necessarily preclude initiation of a new loan on any item at the time when such material is returned. Exceptions - reserve material in some collections may not be renewed; undergraduate library circulating material may be renewed once.

(4) Telephone renewals will be made only if staff time permits. The libraries assume no responsibility for errors resulting from such transactions. Borrowers appearing in person at a check-out desk will receive service first. Exception - the undergraduate library does not accept telephone renewals. Extending a loan period without material in hand constitutes a renewal. Extending a loan period with material in hand constitutes initiating a new loan.

(1) Reserve material, regardless of loan period, and nonreserve material with a loan period of less than three days may not be renewed.

(2) Material in the Odegaard Undergraduate Library may be renewed only once. After one renewal, material must be returned to the shelves before a new loan to the same borrower may be initiated.

(3) All other material may be renewed a maximum of two times unless requested by means of a hold.

(4) Overdue material for which a replacement charge has been assessed may not be renewed.

(5) Telephone renewals are made only if staff time permits. The libraries assume no responsibility for errors resulting from telephone renewals. Borrowers appearing in person will be given priority.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-310 FINES AND CHARGES—SYSTEM-WIDE APPLICABILITY ((OF FINES AND CHARGES)). All borrowers are subject to a uniform system of fines and charges for late return of library material((s)) and for replacement costs when required.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-320 ((FINES AND CHARGES—NOTICE OF OVERDUE MATERIAL. The libraries shall send at least one reminder notice one week or more in advance of the billing date for replacement charges. Borrowers should rely on the date stamped in or on the library material to determine when the material is due. The libraries shall send a notice by U.S. first class mail or campus mail as appropriate when the library material is to be recalled or when fines or charges are to be assessed. Failure to receive a reminder notice, fine notice, recall notice, or notification of replacement charges does not exempt the borrower from fines and/or charges incurred. In the case of extended faculty loans, status reports shall be requested periodically.)) NOTICES AND INVOICES. (1) An overdue notice for nonreserve material will be sent at least one

week in advance of the billing date for replacement charges.

(2) All notices and invoices for library charges will be sent via United States first class or campus mail.

(3) Failure to receive a notice or invoice does not exempt the borrower from charges.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-330 ((FINES AND CHARGES—))FINES. ((1) Nonreserve material circulating three days or longer:

(a) Fines will be levied if there is a HOLD on the material and it becomes overdue.

(b) Fines will be levied when RECALLED material is not returned by the new assigned "date due" as indicated on the recall notice. The new assigned "date due" will be five days from the HOLD date.

(c) Fines accrue from the original due date or from the recall due date, whichever is earlier.

(d) Fines are 25 cents for each day fines are levied. Maximum fine is \$7.50.

(2) Reserve material and nonreserve material circulating less than three days:

(a) Fines will be levied when: (i) Overdue material has been requested by another borrower and another copy is not available.

(ii) Overdue material which has not been requested and is still overdue the next day the library is open, two hours after the opening of the library from which material has been borrowed.

(b) Fines accrue from the first hour overdue. Any part of an hour is computed as a full hour for fining purposes.

(c) Fines are \$1.00 for the first hour overdue and 10 cents per hour thereafter until the maximum fine is reached. The maximum fine is \$10.00.

(d) During the interval between quarters regular book fine rates apply to reserve material.

(3) Fines do not accrue when the library unit is closed.

(4) Fines are noncancelable except as determined by the appeal procedure specified in WAC 478-168-380, except in cases of library error.

(5) The libraries may dispense with the assessment of fines amounting to less than \$1.00.)) For fining purposes, days or hours when the unit is closed are disregarded. Any part of a day or hour is computed as a full day or hour. Invoices will not be issued for fines of less than \$1.50.

(1) Nonreserve material circulating three days or longer:

(a) Fines accrue when: (i) A hold is placed on an overdue item by a reserve unit or a borrower.

(ii) An item on which a hold has been placed becomes overdue.

(iii) An item becomes thirty days overdue, whether or not a hold has been placed.

(b) Fines accrue at a rate of 30¢ per day. The maximum fine is \$9.00 per item.

(c) Fines accrue from the original date due or the recall date due, whichever is earlier.

(d) An invoice is issued when:

(i) An overdue item on which a hold was placed is returned.

(ii) An item becomes thirty days overdue.

(2) All reserve material and those nonreserve materials which circulate less than three days:

(a) Fines accrue when an item becomes overdue.

(b) Fines accrue at a rate of 25¢ per hour. The maximum fine is \$15.00 per item.

(c) When an overdue item is requested by another borrower and a copy is not available for circulation in that reserve unit, an additional flat fee of \$1.50 will be added to the fine.

(d) An invoice is issued when:

(i) Overdue material is returned.

(ii) The fine reaches the maximum.

(e) During the interim period between quarters, nonreserve fine rates apply to reserve material.

(3) When an exception is made to check out material designated for use only in the library, fines apply according to the loan period which was established for the particular item:

(a) If three days or more, nonreserve fines apply.

(b) If less than three days, reserve fines apply.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-340 ((FINES AND CHARGES))REPLACEMENT CHARGES. ((Replacement charges are determined by the librarian in charge or by the acquisitions division. Such charges are based on the cost to the libraries for replacement. Minimum replacement charges for various types of material will be established at the beginning of each fiscal year by the head, acquisitions division. Replacement charges are in addition to any fines or penalty fees.

(1) Replacement charges will be levied when:

(a) Library material is reported lost.

(b) Library material is irreparably damaged.

(c) Library material which has not been requested by another borrower is not returned or renewed within forty-five days of the due date.

(d) Library material which has been requested is not returned by the time overdue fines have accrued to the maximum amount.

(2) Replacement charges will be canceled or refunded when:

(a) Library material is returned within six months of the billing date.

(b) Library material is replaced with a copy acceptable to the library within six months of the billing date.) (1) A replacement charge is levied when:

(a) Material is reported lost.

(b) Material is returned in irreparably damaged condition and there is reasonable assurance that damage was caused by the most recent borrower.

(c) Material is not returned by the time overdue fines have accrued to the maximum amount or thirty days after the item becomes overdue.

(2) The normal replacement charge for monographs is an average cost of material in a subject area as determined by the Head, Acquisitions Division, at the beginning of each fiscal year. The unit head has the option of charging the actual cost (\$5.00 minimum) or an estimated cost (\$5.00 minimum) determined on an item-by-item basis.

(3) The replacement charge for other types of material (serials and unbound issues, maps, pamphlets, etc.) will be established by the Head, Acquisitions Division, at the beginning of each fiscal year. The cost of binding will automatically be included in the average cost for serial volumes. It will be included in the actual or estimated cost for monographs when applicable.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-350 ((FINES AND)) ADJUSTMENT REPLACEMENT CHARGES((PENALTY FEE)). ((A nonrefundable \$2.00 penalty fee will be levied with replacement charges. Exception - no penalty fee will be levied on material reported lost before the billing date.)) (1) The replacement charge is canceled if material is returned or replaced with a copy acceptable to the unit head prior to referral of invoice to the collection agency.

(2) The replacement charge is reduced to the amount of the service fee charged by the collection agency if material is returned or replaced after an invoice is referred to the collection agency.

(3) The replacement charge is not canceled after an invoice is considered uncollectable by the collection agency or after twelve months from the date of the invoice, whichever is earlier.

(4) A refund is issued when the replacement charge which has been paid is canceled or reduced within the time limitations specified in subsections (1), (2), and (3) of this section.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-360 ((FINES AND CHARGES RE))BINDING CHARGES. ((Rebinding charges for damaged material are determined by the acquisitions division. Such charges are based on the cost to the libraries for rebinding. Minimum charges will be established at the beginning of each fiscal year by the head, acquisitions division. Rebinding charges are in addition to any fines or penalty fees accrued.)) (1) The binding charge will be levied when:

(a) Material is returned in need of rebinding and there is reasonable assurance that the damage was caused by the most recent borrower.

(b) The borrower provides a replacement copy which requires binding in order to match the format of the copy being replaced.

(2) The binding charge is established by the Head, Acquisitions Division, at the beginning of each fiscal year.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-380 ((FINES AND CHARGES)) APPEAL OF ((FINES AND)) LIBRARY CHARGES ((OR EITHER)). ((Appeal of fines and charges, or either, may be filed with the assistant director of libraries for public services by securing appropriate forms from the circulation desk at which the fine or charge was levied. All disputed appeals are adjudicated by the library advisory committee.)) Except for cancellation of replacement charges as defined in WAC 478-168-350(1), (2) and (3), library charges are non-cancellable except as determined by the appeal procedure or in cases of library error. Appeal of library charges may be filed by securing an appeal form from the unit which levied the charges and submitting the completed form to the Circulation Division, Suzzallo Library. Appeals are adjudicated by the Appeals Committee, a committee composed of faculty and students.

AMENDATORY SECTION (Amending Order 73-1, filed 1/8/73)

WAC 478-168-390 ((FINES AND CHARGES)) FAILURE TO PAY ((FINES OR)) LIBRARY CHARGES ((OR EITHER)) AND MISUSE OF LIBRARY PRIVILEGES. ((Failure to pay fines and charges, or either, will result in:

(1) Holds being placed on the borrower's transcript and University records, or  
(2) Collection procedures by the comptroller's office,  
or

(3) Loss of borrowing privileges as are appropriate to the borrower's classification, or

(4) Any combination thereof.)) (1) Failure to pay library charges may result in:

(a) Holds being placed on student records.

(b) Cancellation of registration for students.

(c) Collection processing by the Receivables Control and Collection Office.

(d) Revocation of borrowing privileges by the Director of Libraries.

(e) Any combination thereof.

(2) Misuse of library privileges may result in revocation of borrowing privileges by the Director of Libraries.

**WSR 79-10-017****ADOPTED RULES****PUBLIC DISCLOSURE COMMISSION**

Order 79-05—Filed September 7, 1979]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

New WAC 390-12-050 Operations and procedures.  
 Amd WAC 390-14-100 List of elected public officials.

This action is taken pursuant to Notice No. WSR 79-07-072 filed with the code reviser on June 28, 1979.

Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 21, 1979.

By Graham E. Johnson  
 Administrator

NEW SECTION

WAC 390-12-050 OPERATIONS AND PROCEDURES. (1) The Public Disclosure Commission was created by the passage of Initiative 276 in 1972 for the principal purpose of providing the public with accurate information about certain financial affairs of candidates and elected officials, about the financing of election campaigns, and about expenditures made in the course of lobbying. The Initiative also contains provisions guaranteeing citizen access to most records of most elements of state and local government.

(2) The duties, responsibilities and powers of the commission are set forth in RCW 42.17.360, 42.17.370, 42.17.395 and 42.17.397. Provisions for establishing the commission and appointing the members thereof are stated in RCW 42.17.350.

(3) Commissioners meet monthly to consider and act on major policy matters, on requests for reporting modifications and on enforcement cases. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.04 RCW and chapter 1.08 RCW), and Sturgis Standard Code of Parliamentary Procedure. The passage of any motion adopting, amending or repealing any rule, or recommending changes to the act shall require a majority vote of the members of the commission as distinguished from a quorum of the commissioners.

(4) The staff prepares and distributes reporting forms and instructions in the most practical manner to persons subject to the law. They provide personal instruction and technical assistance to persons with specific problems and questions.

(5) Between 35,000 and 45,000 reports are received during a calendar year from approximately 11,000 reporting "clients." The staff receives these reports, records their receipt, microfilms and files them. Every effort is made to have reports filed and available for public inspection and copying within twenty-four hours of their receipt.

(6) Procedures for accessing the files of the agency are given in chapter 390-14 WAC. The staff will provide copies of reports when requested by mail or telephone. Reports are generally sent the same day the

request is received. Answers to telephone inquiries seeking information from particular reports will be limited to (a) verification that a report is on file and (b), if regarding a campaign financing report, the most recent totals for contributions and expenditures.

(7) While some citizens will benefit from the reports by personally reviewing them, most will look to the news media for information. The staff compiles occasional summaries and studies for distribution to news outlets. Known as "Reports to the Public", they provide a condensed mirror image of the information in reports filed with the commission.

(8) The act demands complete, accurate and timely reporting. The commission, as a vehicle of communication between those engaged in political life and the general public, is expected to take whatever actions are necessary to assure the public of having the information it is entitled to; that the flow of communication is not interrupted by those responsible for providing the information. Within the limited resources provided the commission, reports are reviewed, field audits are conducted and complaints are investigated. The staff concentrates on assisting people in meeting their obligations under the law in hopes of fulfilling the purpose of the act without having to resort to enforcement actions resulting in embarrassment and monetary penalties. Gross negligence and evasions of the act will not be tolerated, however. Acting without fear or favor, the staff will bring to the commissioners for appropriate action all matters where negligence and/or evasion is indicated.

**AMENDATORY SECTION** (Amending Order 62, filed 8/26/75)

**WAC 390-14-100 LIST OF ELECTED PUBLIC OFFICIALS.** The Public Disclosure Commission shall prepare, collate and make available for public distribution a list of all state elected officials of the state of Washington. The list shall be published by the commission and updated periodically.

**WSR 79-10-018  
EMERGENCY RULES**

**WALLA WALLA COMMUNITY COLLEGE**

[Resolution 80-1—Filed September 10, 1979]

Be it resolved by the board of trustees of Community College District No. 20 (Walla Walla Community College), acting at Walla Walla Community College, Walla Walla, Washington, that it does promulgate and adopt the annexed rules relating to regulations to govern pedestrian and vehicular traffic and parking upon state lands devoted mainly to the educational activities of Walla Walla Community College.

We, the board of trustees, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the

facts constituting such emergency is said rules are necessary for the preservation of the public peace, health, safety and the support of Community College District No. 20.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 28B.50 and 28B.10 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 30, 1979.

By Eldon J. Dietrich  
Secretary

**CHAPTER 132T-116  
PARKING AND TRAFFIC RULES**

**WAC**

- 132T-116-010** *Introduction.*
- 132T-116-015** *Objective of traffic rules and regulations.*
- 132T-116-020** *Applicable traffic rules and regulations — Areas affected.*
- 132T-116-025** *Speed.*
- 132T-116-030** *Regulatory signs and directions.*
- 132T-116-035** *Pedestrians' right-of-way.*
- 132T-116-040** *Impounding — Illegal parking — Disabled or inoperative or abandoned vehicles.*
- 132T-116-045** *Special traffic and parking regulations and restrictions authorized.*
- 132T-116-050** *Delegation of Authority.*

**NEW SECTION**

**WAC 132T-116-010 INTRODUCTION:** Walla Walla Community College District No. 20 hereby establishes these regulations to govern pedestrian and vehicular traffic and parking upon state lands devoted mainly to the educational activities of Walla Walla Community College.

**NEW SECTION**

**WAC 132T-116-015 OBJECTIVES OF TRAFFIC RULES AND REGULATIONS.** The objectives of these traffic regulations are:

- (1) To protect and control pedestrian and vehicular traffic,
- (2) to assure access at all times of emergency equipment,
- (3) to minimize traffic disturbances during class hours,
- (4) to facilitate the work of the college by assuring access to its vehicles and by assigning the limited parking space for the most efficient use.



NEW SECTION

WAC 132T-116-020 APPLICABLE TRAFFIC RULES AND REGULATIONS — AREAS AFFECTED. The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of the college are as follows:

(1) The motor vehicle and other traffic laws of the State of Washington shall be applicable upon all lands located within the State of Washington.

(2) The traffic code of Walla Walla County, Washington, shall be applicable upon all lands located within Walla Walla County, Washington.

(3) The traffic code of the City of Walla Walla, Washington, shall be applicable upon all lands located within the City of Walla Walla, Washington.

(4) These regulations shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of the college.

NEW SECTION

WAC 132T-116-025 SPEED. No vehicle shall be operated on the campus at a speed in excess of twenty (20) miles per hour unless otherwise posted or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 132T-116-030 REGULATORY SIGNS AND DIRECTIONS. Drivers of vehicles shall obey regulatory signs posted by the college. Drivers of vehicles shall also comply with directions given them by officers of the college in the control and regulation of traffic.

NEW SECTION

WAC 132T-116-035 PEDESTRIANS' RIGHT-OF-WAY. (1) The operator of a vehicle shall yield right-of-way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

NEW SECTION

WAC 132T-116-040 IMPOUNDING — ILLEGAL PARKING — DISABLED OR INOPERATIVE OR ABANDONED VEHICLES. (1) Vehicles which have been disabled, inoperative or abandoned may be impounded and stored following 24 hours notice posted at a conspicuous place on the vehicle.

(2) Impoundment Without Notice: A vehicle may be impounded without notice to the owner or operator in the following circumstances:

(a) When in the judgment of the president of the college the vehicle is obstructing or may impede the flow of traffic; or

(b) When in the judgment of the president of the college the vehicle poses an immediate threat to public safety; or

(c) When a non-handicapped operator parks the vehicle in a designated area reserved for the handicapped.

(3) Impounding may be implemented by mechanical restraints to vehicles or by towing to an approved impounding agency or to another designated area of the college's parking lot.

(4) Towing companies and/or impounding agencies will be selected on the basis of criteria developed by the college.

(5) Any vehicle impounded shall be at the owner's and/or the operator's risk and expense.

(6) Neither the college nor its employees shall be liable for loss or damage of any kind resulting from impounding and storage.

NEW SECTION

WAC 132T-116-045 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional heavy traffic and during emergencies, the president of the college is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives in WAC 132T-116-015.

NEW SECTION

WAC 132T-116-050 DELEGATION OF AUTHORITY. The authority and powers conferred upon the president by these regulations shall be subject to delegation by him to his subordinates.

**WSR 79-10-019****EMERGENCY RULES****WALLA WALLA COMMUNITY COLLEGE**

[Resolution 80-2—Filed September 10, 1979]

Be it resolved by the board of trustees, of Community College District No. 20 (Walla Walla Community College), acting at Walla Walla Community College, Walla Walla, Washington, that it does promulgate and adopt the annexed rules relating to the repeal of chapter 132T-38 WAC, reduction in force for classified personnel, and the enactment of chapter 132T-128 WAC having to do with the reduction in force for classified personnel.

We, the board of trustees, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is said rules are necessary for the preservation of the public peace, health, safety and the support of Community College District No. 20.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 28B.50 and 28B.10 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 30, 1979.

By Eldon J. Dietrich  
Secretary

CHAPTER 132T-128  
REDUCTION IN FORCE FOR CLASSIFIED  
PERSONNEL

WAC

- 132T-128-010 Purpose of Rules.  
132T-128-020 Definitions.  
132T-128-030 Initial Procedures for Reduction in Force.  
132T-128-040 Initial Order of Layoff.  
132T-128-050 Options in Lieu of Layoff.  
132T-128-060 Procedures For Establishing Order of Layoff and Notice of Requirements.  
132T-128-070 Distribution of Layoff Notice.  
132T-128-080 Re-employment Rights of Laid Off Employees.  
132T-128-090 Special Employment Programs.

NEW SECTION

WAC 132T-128-010 PURPOSE OF RULES. Pursuant to the direction of the Higher Education Personnel Board of the State of Washington, the Board of Trustees for Washington State Community College District No. 20 hereby establishes the procedures for reduction in force for the layoff of classified employees when such reductions or layoffs are required by lack of funds, curtailment of work, or good faith reorganization for efficiency reasons, or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524.

NEW SECTION

WAC 132T-128-020 DEFINITIONS. As used in this chapter, WAC 132T-128, the following words and phrases are defined:

(1) "Appointing authority" shall mean the president of Walla Walla Community College.

(2) All other terms and phrases which describe any legal status a classified employee may have under the layoff procedures herein adopted shall have the meaning defined in WAC 251-04-020 and WAC chapter 251-10 as promulgated by the Washington State Higher Education Personnel Board.

(3) Words and phrases used herein in the masculine gender shall include the masculine and feminine genders.

NEW SECTION

WAC 132T-128-030 INITIAL PROCEDURES FOR REDUCTION IN FORCE. (1) When a reduction in force is required due to lack of funds, curtailment of programs, or good faith reorganization for efficiency reasons, or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524, the appointing authority shall determine the number of positions, by classification, which shall be abolished.

(2) The order of layoff and optional retention rights of classified employees shall be determined on an institution-wide basis. The entire classified staff of Walla Walla Community College is divided into two layoff units — regular workforce unit and special programs unit.

NEW SECTION

WAC 132T-128-040 INITIAL ORDER OF LAYOFF. The initial order of layoff shall be according to the appointment status of employees in the classifications of positions to be eliminated.

(1) Probationary, temporary and hourly employees shall be laid off before permanent status employees in the same classification.

(2) Emergency, temporary or intermittent employees shall be laid off before probationary and provisional status employees in the same classification. The order of layoff for probationary or provisional employees shall be inverse to their length of layoff seniority. The employee having the least amount of such layoff seniority shall be separated first and the employee having the greatest amount of layoff seniority shall be separated last.

(3) Permanent status employees shall be laid off in inverse order of their layoff seniority. The employee having the least amount of such layoff seniority shall be separated first and the employee having the greatest amount of layoff seniority shall be separated last. Layoff seniority shall include the last period of unbroken service in the classified service of the college. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year.

(4) The retention rights of veterans shall be determined in accordance with WAC 251-10-045.

NEW SECTION

WAC 132T-128-050 OPTIONS IN LIEU OF LAYOFF. (1) Options shall be offered in lieu of layoff to employees in accordance with the provisions of WAC 251-10-030.

(2) Permanent status employees, according to seniority, shall be offered employment options in classifications in which the employee has held permanent status, or lower classifications in the same class series for which the employee is qualified; provided that the employee being replaced is the least senior in that classification and has less layoff seniority than the employee replacing him.

(3) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under (2) above shall be offered positions as follows: The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three), provided that any positions offered must be at the same level or lower than the class from which the employee is being laid off; are vacant or held by a provisional, temporary, or probationary employee; and in a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination, as provided in WAC 251-10-020 (6).

(4) Eligible veterans and their unmarried widows or widowers as defined in WAC 251-10-045 shall be provided veterans preference.

#### NEW SECTION

**WAC 132T-128-060 PROCEDURES FOR ESTABLISHING ORDER OF LAYOFF AND NOTICE OF REQUIREMENTS.** (1) The appointing authority shall inform the personnel officer of the number of positions to be abolished, in writing.

(2) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Determine the employees to be laid off, determine their option rights, and notify the appointing authority in writing;

(b) Provide each employee subject to layoff with a copy of the institutional reduction in force procedure and advise him/her in writing of available options in lieu of layoff; promptly discuss options with the employees concerned, who in turn, shall inform him in writing as quickly as possible but within three (3) working days, whether they wish to exercise their option rights; promptly notify the appointing authority as to whether or not the employees have elected to use their option rights, and shall send a written notice of the reduction in force action to each employee to be laid off. This written notice shall be served on the person who is to be laid off at least 15 calendar days prior to the effective date of the layoff.

(c) Advise each employee in writing of the specific institution-wide layoff list(s) upon which he/she may be placed as required per WAC 251-10-055;

(d) Provide information relative to statewide layoff lists as required per WAC 251-10-060 (7);

(e) Advise each employee of the right to appeal his/her layoff to the board per WAC 251-12-080.

#### NEW SECTION

**WAC 132T-128-070 DISTRIBUTION OF LAYOFF NOTICE.** Copies of all layoff notices shall be distributed as follows:

- The original to the employee,
- One copy to the supervisor's department files,
- One copy to the personnel office,
- One copy to the employee's bargaining agent.

#### NEW SECTION

**WAC 132T-128-080 RE-EMPLOYMENT RIGHTS OF LAID OFF EMPLOYEES.** (1) Reduction in force lists are established by classification and maintained by the personnel officer. The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class of service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

- (a) The employee has requested placement on the list;
- (b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and
- (c) The class has the same or lower salary range maximum as the class from which laid off.

In addition, such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three-day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide, with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be re-employed in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that unless the employee so requests, he/she may not be removed via this procedure from the layoff list or the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

Except as provided in (5) above, the duration of eligibility on the institution-wide layoff list is two (2) years. Prior to the expiration date of the eligible, he shall be notified of the expiration date and given the opportunity to extend his eligibility for one (1) additional year by written request to the personnel officer.

#### NEW SECTION

**WAC 132T-128-090 SPECIAL EMPLOYMENT PROGRAMS.** (1) A special employment program layoff unit for programs qualifying under the conditions identified in WAC 251-18-410, Rules of the Higher Education Personnel Board, is established.

(2) Employment options of individuals being laid off from positions in special employment programs are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies.

(3) Within the special employment program layoff unit, a permanent status employee scheduled for layoff from service or from the class, except as provided in (4)

of this section, shall be offered employment options in class(es) with the same or lower salary range maximum that are:

(a) Class(es) in which the employee has held permanent status;

(b) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(4) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options.

(5) The provisions of WAC 251-10-030(7) and (8) of the Higher Education Personnel Board relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

(6) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

#### WSR 79-10-020

##### ADOPTED RULES

##### STATE BOARD FOR

##### COMMUNITY COLLEGE EDUCATION

[Order 77, Resolution 79-30—Filed September 10, 1979]

Be it resolved by the State Board for Community College Education, acting at Olympia Technical Community College, 2011 Mottman Road, Olympia, WA, that it does promulgate and adopt the annexed rules relating to mandatory retirement age of community college employees, amending WAC 131-16-005.

This action is taken pursuant to Notice No. WSR 79-08-110 filed with the code reviser on July 30, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 159, Laws of 1979 ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 6, 1979.

By Gilbert J. Carbone  
Assistant Director

#### AMENDATORY SECTION (Order 28, filed 7/1/74)

WAC 131-16-005 MANDATORY RETIREMENT AGE DEFINED. The mandatory retirement age for employees of community college districts or the State Board for Community College Education shall be

defined as the end of the academic year in which an employee (~~(of a community college district)~~) attains age (~~(sixty-five)~~) seventy; however, when officially approved by the district board of trustees, or by the State Board in the case of its employees, extension of service beyond the mandatory retirement age may be made for definite periods of time not to exceed one year each (~~(, but no such extensions shall postpone retirement beyond the end of the academic year in which age seventy is attained)~~).

#### WSR 79-10-021

##### ADOPTED RULES

##### STATE BOARD FOR

##### COMMUNITY COLLEGE EDUCATION

[Order 76, Resolution 79-29—Filed September 10, 1979]

Be it resolved by the State Board for Community College Education, acting at Olympia Technical Community College, 2011 Mottman Road, Olympia, WA, that it does promulgate and adopt the annexed rules relating to tuition and fee waivers for full-time community college employees.

This action is taken pursuant to Notice No. WSR 79-08-111 filed with the code reviser 7/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 82, Laws of 1979 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 6, 1979.

By Gilbert J. Carbone  
Assistant Director

WAC 131-28-085 TUITION AND FEE WAIVERS FOR FULL-TIME COMMUNITY COLLEGE EMPLOYEES. (1) Pursuant to the authority granted by chapter 82, Laws of 1979, community college districts are authorized to and may waive tuition, operating, and service and activities fees for full-time employees at their respective institutions of higher education enrolled in courses at said institutions under the following conditions:

(a) enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college,

(b) no new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section,

(c) enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be

considered in any enrollment statistics which would affect budgetary determinations,

(d) computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section,

(e) employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter,

(f) community college districts may limit the number of courses per quarter for which an employee may enroll pursuant to this section,

(g) districts may enroll full time cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off-campus provided that (1) the employee's work station is situated within the district where he enrolls and (2) such a waiver of tuition and fees complies with conditions listed in subsections (a) through (f) above,

(h) districts may recognize completion of such courses for salary improvement or vocational certification provided such courses are an approved part of the professional improvement plan of the individual,

(i) prior to implementing any program for tuition and fee waivers for full time employees, the college district shall adopt a written rule regarding such program and definitively set forth rules and procedures related to:

(i) whether or not employees may take tuition free courses on released time and under what circumstances;

(ii) whether or not courses taken on a tuition free basis shall be allowed to apply toward an advancement on the salary schedule of the institution;

(iii) whether or not there will be a limit on the number of courses per quarter an employee may take; what that limitation is and any other constraints;

(iv) the definition of a full time employee, professional and classified, for purposes of this act;

(j) the individual community college district shall submit a copy of its adopted rule relating to the above to the state director.

#### WSR 79-10-022

##### NOTICE OF PUBLIC MEETINGS

##### CLARK COLLEGE

[Memorandum—September 10, 1979]

In accordance with the Open Public Meetings Act, Clark College announces that three or more of the members of its Board of Trustees may be attending a work session of the college's management staff to be held at Bowman's Lodge, Wemme, Oregon, September 10, 1979.

No action will be taken by the Board of Trustees at this work session.

#### WSR 79-10-023

##### NOTICE OF PUBLIC MEETINGS

##### FOREST FIRE ADVISORY BOARD

[Memorandum, Deputy Director—September 7, 1979]

This is to confirm that the next meeting of the Forest Fire Advisory Board will be held as follows:

Date: October 9  
Time: 9:00 a.m.  
Place: 2nd Floor Conference Room  
711 Capitol Way,  
Evergreen Plaza Building

Subject of the meeting will be the proposed permanent rules regarding snag felling and other issues concerning policies and operations of the Department of Natural Resources' Division of Fire Control.

By carbon copy of this letter, I am notifying the Washington State Register so that appropriate public notice of the meeting can be given.

#### WSR 79-10-024

##### ADOPTED RULES

##### DEPARTMENT OF RETIREMENT SYSTEMS

[Order 79-02—Filed September 10, 1979]

I, Robert L. Hollister, Jr., director of Department of Retirement Systems, do promulgate and adopt at Department of Retirement Systems, Olympia, Washington, the annexed rules relating to salary deductions for retirement for teachers.

This action is taken pursuant to Notice No. WSR 79-08-055 filed with the code reviser on July 23, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Retirement Systems as authorized in RCW 41.50.050(6).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1979.

By Robert L. Hollister, Jr.  
Director

#### AMENDATORY SECTION (Amending Order IV, filed February 15, 1978)

##### WAC 415-112-400 SALARY DEDUCTIONS REQUIRED BY EMPLOYER. (1) Plan I.

(a) Salary deductions for retirement shall be made from the beginning of the employment of every teacher employed full time (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a school year. Salary deductions for retirement shall be required for every member employed full time when his employment contract

calls for twenty or more days of employment in a school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the department. If a member is employed by an employer for less than twenty days in a school year, any salary deductions for retirement based on service during that year shall be refunded in full upon termination of his employment for that year and the filing of a refund application with the department.

~~((c) Membership for Plan II members will be governed by the provisions of chapter 493, Laws of 1977 ex. sess., as now or hereafter amended.))~~

(2) Plan II.

(a) Salary deductions for retirement shall be made from the beginning of the employment of every teacher employed full time (four-fifths or more) when the employment contract of such teacher calls for ninety or more days of employment in a school year.

(b) If a teacher who is not a member is employed for less than ninety days in a school year, and thus fails to establish membership, any salary deductions for retirement shall be refunded in full upon termination of his employment as a teacher and upon filing a refund application with the department.

**WSR 79-10-025**

**ADOPTED RULES**

**BOARD OF HEALTH**

[Order 184—Filed September 10, 1979]

Be it resolved by the Washington State Board of Health, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to:

- Rep WAC 248-86-030 Food and beverage service workers' permit (x-ray and serology).
- Amd WAC 248-100-175 Tuberculosis testing—Certification.
- Rep WAC 248-100-190 Tuberculosis testing—Renewals of certifications.
- Amd WAC 248-100-195 Filing certificates.
- Amd WAC 248-100-205 Preventive treatment for tuberculosis.

This action is taken pursuant to Notice No. WSR 79-07-106 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 8, 1979.

By Irma Goertzen

Chairman

Robert H. Barnes, MD

John B. Conway

Fred Quarnstrom

John A. Beare, MD

Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-86-030 X-RAY AND SEROLOGY.

AMENDATORY SECTION (Amending Order 146A, filed 3/28/77)

WAC 248-100-175 TUBERCULOSIS TESTING—CERTIFICATION. (1) No contract of any public school employee (teacher, bus driver, janitor, clerk, or other employee) who comes in direct contact with the students in any school shall become operative until for such employee there has been filed with the local ((intermediate)) school district superintendent a valid health certificate issued by any county, city-county, or district health department. The word "operative" may be understood to mean that salary warrants shall not be issued until this evidence is filed properly and recorded with the school superintendent.

(2) Each public school employee who comes in direct contact with students shall undergo a tuberculin skin test at the time of initial employment. Employees whose skin test reaction is negative (less than 10 mm. of induration after 5 T.U. of P.P.D. given by the Mantoux method) may be certified indefinitely. Those whose skin test is positive shall have a current chest film within 90 days. ~~((If the x-ray is normal the employee may be certified for two years. Employees whose chest films indicate possible previous infection with tuberculosis may be certified for no more than one year.))~~ Employees whose chest films are negative or indicate no active disease process may be certified for one year. Employees whose chest x-ray shows no sign of active disease at least two years after the first documented positive skin test shall be certified indefinitely.

(3) Those employees who were certified under regulations previously effective may be recertified under the provisions of the preceding paragraph (WAC 248-100-175(2)).

(4) Any public school employee found to have suspected or proven infectious tuberculosis shall be denied issuance of a certificate. If the diagnosis is challenged by an employee the case shall be reviewed by a panel selected for this purpose. The panel shall be composed of at least two physicians, in addition to the health officer, who are familiar with radiology and/or chest diseases.

(5) The requirements herein of tuberculosis testing and certification shall not apply to employees of colleges or universities, provided that nothing herein shall be deemed to prevent individual colleges or universities from requiring tuberculosis testing and certification in any manner deemed appropriate by such college or university.

(6) An employee who feels that the tuberculin skin test by the Mantoux method would present a hazard to his health because of conditions peculiar to his own physiology may present supportive medical data to this effect to the tuberculosis control program, Health Services Division, Department of Social and Health Services. ~~((The department will select three physicians expert in the management of tuberculosis and will submit the medical data to them. The three physicians will review and evaluate the data and thereafter recommend to the department whether the requirement of the tuberculin skin test should be waived for the individual employee.))~~ The department ~~((will consider the recommendation of the three physicians selected by it and))~~ will decide whether the waiver should be granted to the individual employee and will notify the employee accordingly. Any employee granted a waiver from the tuberculin skin test shall have a chest x-ray taken in lieu thereof.

AMENDATORY SECTION (Amending Order 78, filed 1/9/73)

WAC 248-100-195 FILING CERTIFICATES. The health certificate shall be filed with the ~~((intermediate))~~ school district superintendent ~~((, except in districts of the first class wherein such certificate shall be filed with the city superintendent of schools)).~~ Whenever an employee transfers from one district to another, the ~~((intermediate))~~ school district superintendent shall return to the employee his health certificate, which shall be filed with the ~~((intermediate))~~ school district superintendent of schools in the new locality.

AMENDATORY SECTION (Amending Order 78, filed 1/9/73)

WAC 248-100-205 PREVENTIVE OR CURATIVE TREATMENT FOR TUBERCULOSIS. Employees who ~~((are found to be tuberculin positive who have no history or x-ray evidence of tuberculosis and who complete an adequate course of chemoprophylaxis under the direction of the local health officer may be certified indefinitely))~~ have a positive tuberculin skin test (10mm or more of induration) and have completed a recommended course of preventive or curative treatment may be certified indefinitely by the local health officer.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-100-190 TUBERCULOSIS TESTING—RENEWALS OF CERTIFICATIONS.

**WSR 79-10-026**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1431—Filed September 10, 1979]

I, N. Spence Hammond, Ex. Assist. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd ch. 388-15 WAC Social services for families, children and adults.
- Amd ch. 388-70 WAC Child welfare services—Foster care—Juvenile records.
- Amd ch. 388-73 WAC Child care agencies—Adult family homes—Minimum licensing requirements.

This action is taken pursuant to Notice No. WSR 79-07-076 filed with the code reviser on 6/28/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 155, Laws of 1979 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED August 22, 1979.

By N. S. Hammond  
Executive Assistant

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-15-130 CHILD PROTECTIVE SERVICES. The authority for the department's child protective services program is chapter 26.44 RCW and RCW 74.13.031.

(1) Child protective services are those services provided on behalf of children who are reported to be abused, neglected or exploited or who are threatened with harm through abusive, neglectful or exploitive acts by those responsible for their health, safety and welfare. Services are given to prevent, correct, improve or remedy the situations of children who are found to be neglected, abused or exploited, including runaways.

(2) Services may also include counseling with the children and their families, or other responsible individuals, arranging for alternate living arrangements, including emergency foster care; day care; homemaker or chore service; health support services and mental health services. Services also may include referral to appropriate law enforcement agencies and petitions to courts, as well as cooperation with out-of-state child protective service agencies.

(3) ~~((See WAC 388-16-515 through 388-16-545 for mandatory reporting and central registry for child~~



abuse:)) Goals for child protective services shall be limited to those specified in WAC 388-15-010(1)(c). Also see WAC 388-15-010(2).

AMENDATORY SECTION (Amending Order 1255, filed 12/1/77)

WAC 388-15-131 CHILD PROTECTIVE SERVICES—SPECIAL REQUIREMENTS FOR INDIAN CHILDREN. (1) These special requirements apply to children defined as "Indians" in WAC 388-70-091 and 388-70-450(1)(a) through (c).

(2) The ((ESSØ)) CSO shall document in case records its efforts to keep Indian families together and to avoid separating the Indian child from his parents, relatives, tribe or cultural heritage, as per RCW 26.44.010, WAC 388-15-130 and 388-70-093.

(3) In alleged child abuse and neglect situations, the ((ESSØ)) CSO shall document in case records, its efforts to utilize staff and services particularly capable of meeting the special needs of Indian children and their families, assisted by the local Indian child welfare advisory committee as per WAC 388-70-600 through 388-70-640.

(4) The ((ESSØ)) CSO shall promptly advise its Indian child welfare advisory committee and appropriate tribal council that an (unnamed) child with (named) tribal affiliation is the victim of substantiated child abuse or neglect. The provisions of RCW 26.44.070, WAC 388-15-138 and 388-70-640, limiting who has access to confidential information, shall be followed in all cases.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-132 CHILD PROTECTIVE SERVICES—ACCEPTANCE OF REPORTS—ELIGIBILITY FOR SERVICES. Reports shall be made directly to the department's ((ESSØ)) CSO:

(1) The departmental ((ESSØ)) CSO shall accept a complaint or referral concerned with child abuse or neglect, neglect or exploitation of children from any source, including one made anonymously.

(2) Any child so reported shall be eligible for child protective services and shall remain eligible until it is determined that he is not suffering from maltreatment and his welfare is not or is no longer in jeopardy.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-134 CHILD PROTECTIVE SERVICES—NOTIFICATION—SUBSTANTIATION.

(1) The department shall notify the parents, stepparents, guardians or other persons having custody of the child or other person alleged to be the abuser that the department has received a report alleging condition(s) specified in WAC 388-15-132 unless the report is for informational purposes only because the situation has been resolved by law enforcement and/or by the courts. The identity of the person making the report to the department shall not be revealed unless that person has given permission to do so.

(2) Unless the report was for information purposes only as specified in subsection (1), the parent or parents surrogate or other alleged abuser as specified above, shall be provided the opportunity to supply information about the allegation and his situation. This person's response about the allegation and his situation including a written statement, if any, shall be a part of the department's case record.

(3) The person, if available, shall be notified that the information will be on file in the ((ESSØ)) CSO.

(4) The person, if available, shall be informed of the placement of his name as an abuser in the central registry ((and)).

(5) The person, if available, shall be advised of his right to a fair hearing in accordance with chapter 388-08 WAC.

((5)) (6) The department shall determine if there is a factual basis for the report, unless the report is already substantiated or is for information purposes only.

(a) A report which contains facts about the state or condition of the child amounting to child abuse made by any person under a mandatory duty to report shall be considered substantiated and must be reported to the central registry. The substantiation of the identity of the alleged abuser shall be considered separately.

(b) Regardless of source, a report in which the facts support the conclusion(s) is to be considered substantiated. If the report is substantiated and falls within the definition of what is to be reported to the central registry, it must also be reported to the central registry. The parent or parent surrogate or other suspected/alleged perpetrator, if available, shall be notified that the information has been forwarded to the central registry.

((6)) (7) Even if the report is not substantiated, service may continue as per WAC 388-15-132.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-136 CENTRAL REGISTRY—DEFINITION—DUTY TO MAINTAIN. (1) The "central registry" means a system of centralized storage and retrieval of case information in all substantiated instances reported to the department of nonaccidentally inflicted death, physical or mental injury or injuries (abuse), physical neglect or sexual abuse of a child or mentally retarded person of any age.

(2) Purposes of the central registry shall be to

(a) Obtain accurate information of the incidence of the abuse and neglect of children and ((mentally retarded)) developmentally disabled persons of all ages,

(b) Make case information available in usable form on request to those persons and agencies specified in chapter 26.44 RCW.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-137 CENTRAL REGISTRY—REPORTS. Reports to be included in the central registry shall be submitted by the ((ESSØ)) CSO. Eligible persons may obtain available information by contacting the ((ESSØ)) CSO or the central registry.

AMENDATORY SECTION (Amending Order 1238, filed 8/31/77)

WAC 388-15-138 CENTRAL REGISTER—INFORMATION—RELEASE—DISSEMINATION—EXPUNGEMENT. (1) Information provided from the central registry and from case records to the requesting persons and agencies shall not be further disseminated or released and shall be respected as confidential.

(2) Child abuse and neglect information may be released from the ESSO case record as per RCW 26.44-.070. Release of other information must be considered under the provisions of WAC 388-48-010 through 388-48-100. The following information after substantiation shall be reported by the department's ((ESSO)) CSO to the central registry and, if reported, shall be available from the central registry:

(a) The name of the "known" perpetrator, or the "suspected" perpetrator or whether the perpetrator is "unknown";

(b) The name, place of birth, and age of the child;

(c) Whether the abused is mentally retarded;

(d) Date of incident;

(e) Substantiated incident(s) of nonaccidentally inflicted

(i) Death,

(ii) Physical injury or injuries,

(iii) Physical neglect,

(iv) Sexual abuse,

(v) Mental injury (abuse and/or neglect)

(f) The name and code number of the ((ESSO)) CSO which has additional information;

(g) The social service case number;

(h) The title and telephone number of the ESSO person to contact.

(3) Reports in the central registry shall be expunged and sealed, if after six years from the date of the last filed report, there have been no subsequent reports about the child and/or the alleged perpetrator. Reports in the central registry may also be expunged and sealed upon the request of the reporting ((ESSO)) CSO with the concurrence of all other reporting ((ESSOs)) CSOs, if any. Sealed records may be revived if there is a subsequent report after expungement. Sealed records about the state or condition of the child which contain no reference to the person responsible for the abuse may also be revived for purposes of treating the child.

(4) If the ((ESSO)) CSO case record regarding the incident has not been destroyed already, this information shall be expunged and sealed at the same time as the central registry information is expunged and sealed. Information regarding the state or condition of the child may be maintained in the ((ESSO)) CSO case record, if there is no reference to the person responsible for the abuse.

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-15-570 SERVICES TO CHILDREN IN THEIR OWN HOME. (1) It is the purpose of this service to maintain the family unit and thereby avoid the necessity of out-of-home placement of children.

(2) Under this program services are provided to runaways and families in conflict. These populations are defined as follows:

(a) Runaways: The department provides crisis intervention services to actual runaways, and does not provide intervention services to threatened runaways — unless the threatened runaways meet the definition of families in conflict.

(b) Families in conflict: The department provides crisis intervention services to families ~~((who have reached a point where placement of the child outside the home has occurred or is expected to be necessary within thirty days))~~ to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family.

(3) Services are provided as follows:

(a) Crisis intervention: This service ~~((is provided to runaways and families in conflict to alleviate personal and family situations which present a serious threat to the health and stability of the family and its members. This service))~~ is directed toward defusing immediate potential for violence, assessment of problems and exploration of options which could lead to problems resolution, referral to appropriate resources including medical, legal, ongoing counseling, child protective services, and provision of short-term family counseling sessions for problems resolution.

(b) ~~((Follow-up))~~ Family support services: These services are provided to children and their families ~~((after the children return from a stay in a diagnostic center, or))~~ following crisis intervention services. This service is authorized when it is apparent that ~~((out-of-home placement will occur within six months unless this maintenance service is provided))~~ the conditions which necessitated crisis intervention services have not been adequately remedied.

(c) These services are not provided for habitual truants, expelled students and marital disputes not directly involving conflict between children and parents, for custody disputes, and for cases receiving similar services from other agencies.

(4) Goals for services to children in own home shall be limited to those specified in WAC 388-15-010(1)(b), (c), (d). Also see WAC 388-15-010(2).

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-70-013 AUTHORIZATION FOR FOSTER CARE PLACEMENT. A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into ~~((limited))~~ custody pursuant to chapter 13.30 RCW, Runaway Youth Act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child ~~((or)),~~ parent(s), or the department requesting alternative residential placement for the child ~~((;))~~ has been ~~((approved by the juvenile court~~

~~pursuant to chapter 13.32 RCW, Juvenile Court Procedure For Families In Conflict)) filed pursuant to section 26 or 28, chapter 155, Laws of 1979 or approved pursuant to section 31, chapter 155, Laws of 1979 or upon a child having been admitted directly by section 23(1)(b), chapter 155, Laws of 1979.~~

(3) A child has been placed in shelter care as provided below:

(a) The child has been taken into custody, and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW, and placed the custody of the child with the department ~~(of)~~ or a licensed child placing agency.

(6) The child and his or her parent(s) agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement.

(7) When otherwise authorized by court order.

(8) The child's parent(s) or legal guardian(s) has requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care. Such requests shall comply with foster care placement criteria as developed by the department. (See WAC 388-70-016(5))

AMENDATORY SECTION (Amending Order 1384, filed 3/28/79)

WAC 388-70-022 PAYMENT OF FOSTER CARE. (1) Payment is made for foster care upon:

(a) Documentation of the need for the type and level foster care as determined by the department and

(b) Documentation of authority for the placement of a child in foster care as required by WAC 388-70-013 and

(c) Receipt of a request for payment of the care to be provided.

(2) All persons and agencies to whom the department makes payment must be appropriately licensed and approved, or, if not subject to licensing, be certified or otherwise approved as meeting licensing or other appropriate requirements of the department.

(3) Payment is made for out-of-state foster care placements only after approval from the two state offices involved.

(4) Authorization of payment is the responsibility of social services. The determination of the amount of parental support, except when stated in a superior court order, is the responsibility of the office of support enforcement.

(5) Foster care payments may be made to persons granted guardianship according to section 51, chapter 155, Laws of 1979.

AMENDATORY SECTION (Amending Order 1335, filed 9/1/78)

WAC 388-70-700 JUVENILE RECORDS. (1) Except as otherwise provided by law the department shall comply with the requirements of RCW 13.04.270 through 13.04.276 as amended by chapter 155, Laws of 1979 regarding the confidentiality, sealing, accuracy, release to public, inquiry and challenge, transfer and destruction of juvenile custody and child care records. This section applies to entries in records or records created after July 1, 1978 in which a juvenile court action other than a juvenile offender has been initiated.

(2) A juvenile, his or her parents or attorney, may upon written request, inquire to the department as to the existence and content of custody or care records. The inquiry shall provide the name of the juvenile, the approximate date the juvenile was in contact with the department, the nature of the contact, the location of the contact, and the purpose of the request.

(3) The department will make written response to the inquiry within twenty-one calendar days after receipt. The department will give priority to, and expedite processing, inquiries which involve pending litigation. The department shall provide to the juvenile, his or her parents or attorney making the inquiry, information regarding the location, nature and content of any records in the department's possession except:

(a) If it is determined by the agency that release of this information is likely to cause severe psychological or physical harm to the juvenile or his or her parents the agency may withhold the information subject to the order of the court: PROVIDED, That if the court determines that limited release of the information is appropriate the court may specify terms and conditions for release of the information; or

(b) If the information or record has been by a juvenile justice or care agency in connection with the provision of counseling, psychological, psychiatric or medical services for the juvenile and the juvenile has a legal right to receive these services without the consent of any person or agency then the information or record may not be disclosed to the juvenile's parents without the informed consent of the juvenile.

(4) A juvenile, his or her parents or attorney, who wishes to challenge the information contained in the department records shall notify the department in writing. The notification shall provide:

(a) The name of the juvenile;

(b) If the records are alleged to be inaccurate; a statement of those portions alleged to be inaccurate; and

(c) If the ~~((contained))~~ continued possession of the record is being challenged, a statement as to the reason why the record should be destroyed.

~~((4))~~ (5) The department will review the notification of challenge to the record and make a written response within thirty calendar days. The response shall indicate the corrections which have been or will be made and indicate the basis for denial of any requested corrections. If appropriate, the department's response will also include a statement indicating whether the records have been destroyed or transferred to another juvenile justice or child care agency.

~~((5) The juvenile, his or her parents or attorney, will be notified that if they dispute the department's response they may seek an administrative review of the department's decision as provided in chapter 34.04 RCW.))~~

Chapter 388-73 WAC  
CHILD CARE AGENCIES—ADULT FAMILY  
HOMES MINIMUM  
LICENSING/CERTIFICATION REQUIREMENTS

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-010 AUTHORITY. The following rules are adopted pursuant to chapter 74.15 RCW ~~((and)),~~ RCW 74.08.044 and chapter 155, Laws of 1979. Unless otherwise provided these rules shall apply to all categories of agencies.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-012 DEFINITIONS. (1) Those terms defined in chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) "A developmentally disabled adult" is an individual eighteen years of age or over who suffers from a mental deficiency which renders him or her incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) An "adult in need of protection" is an individual age eighteen or over who because of age, frailty, physical disability, mental confusion or disturbance, requires a degree of supervision, personal and social care.

(4) "Premises" means the buildings in which the facility is located and the adjoining grounds over which the operator of the facility has direct control.

(5) "Full-time care provider" or "full-time care facility" means a family home for adults, foster family home for children or expectant mothers, group care facility ~~((and)),~~ maternity home, crisis residential center, and juvenile detention facility.

(6) "School-age child" means a child six years of age or older or otherwise eligible for admission to the first grade of a public school.

(7) "Sponsor(s)" means person(s) providing, or intending to provide, family home care to developmentally disabled adults or adults in need of protection.

(8) "Capacity" means the maximum number of persons who may be under care at a given moment in time.

(9) "Infant" means a child under one year of age.

(10) "Drop-in care" means unscheduled day care on a one-time only or irregular basis.

(11) "Child," "youth" and "juvenile" mean any individual who is under the chronological age of eighteen years.

(12) "Semisecure facility" means any facility, including but not limited to crisis residential centers or specialized foster homes, operated in a manner to reasonably assure that youth placed there will not run away: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal Juvenile Justice and Prevention Act of 1974 and regulations and clarifying instructions promulgated thereunder. A child shall not be locked in the facility nor any part thereof nor otherwise controlled by the use of physical restraints except as provided in WAC 388-73-048.

(13) "Secure detention facility" and "juvenile detention facility" mean a facility, primarily for the care of juvenile offenders, which is operated so as to ensure that all entrances and exits from the facility are locked, barred or otherwise controlled so as to prevent escapes.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-014 PERSONS AND ORGANIZATIONS SUBJECT TO LICENSING. Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility" means an agency which is maintained and operated for the care of a group of children on a twenty-four hour basis.

(2) "Child placing agency" means an agency which places children for temporary care, continued care, or for adoption.

(3) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers regardless of age, before or during confinement, or which provides care as needed to mothers and their infants after confinement. See WAC 388-73-702.

(4) "Day care center" means an agency which regularly provides care for a group of children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care centers:

(a) A day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless that portion of the residence to which the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

(b) A "mini day care program" means:

(i) A day care center for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed; or

(ii) For the care of from seven through twelve children in the family abode of such person or persons.

(c) A day treatment program means an agency which provides care, supervision, and appropriate therapeutic and educational services during part of the twenty-four hour day for a group of persons under the age of eighteen years and who are unable to adjust to regular or special school programs or full-time family living because of disruptive behavior, family stress, learning disabilities or other serious emotional or social handicaps.

(5) "Foster family home" means a person(s) who regularly provide(s) care during all or any part of the twenty-four hour day to one or more children, expectant mothers, developmentally disabled adults or other adults in need of protection in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or adult is placed. Separate requirements are adopted for the following subcategories of foster family homes:

(a) A family home for adults means a home which regularly provides care on a twenty-four hour basis for up to four developmentally disabled adults; or up to four adults in need of protection who are recipients of financial assistance or Title XX services.

(b) A foster family home for children or expectant mothers means a home which regularly provides care on a twenty-four hour basis to one or more, but not more than four foster children under the age of eighteen years or to not more than three expectant mothers.

(c) A family day care home means a home which regularly provides care during part of the twenty-four hour day to six or fewer children.

(6) "Crisis residential center" means an agency which is operated under contract with the department to provide temporary, protective care to children in a semisecure residential facility in the performance of duties specified and in the manner provided in sections 15 through 34 and 78 through 82, chapter 155, Laws of 1979. Separate requirements are adopted for the following subcategories of crisis residential centers:

(a) A regional crisis residential center, which is a structured group care facility whose primary and exclusive functions are those of a crisis residential center.

(b) A group care facility a portion of which functions as a crisis residential center.

(c) Foster family home which functions either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-020 CERTIFICATION OF JUVENILE DETENTION FACILITY AND EXEMPT AGENCY. (1) An agency legally exempt from licensing may not be licensed. However, at its request, such agency may be certified by the department as meeting licensing and other pertinent requirements, if investigation proves such to be the case, to enable it to be eligible for the receipt of funds or for other legitimate purposes. In such cases, unless otherwise clearly evident from the text, requirements and procedures for licensing apply equally to certification.

(2) An agency may not receive funds from the department unless it is licensed or certified. Licensing per se does not obligate the department to make referrals or payment to an agency; additional requirements may be imposed for such purposes.

(3) Juvenile detention facilities operated by juvenile courts, shall be certified in accord with the provision of section 80, chapter 155, Laws of 1979, and requirements promulgated pursuant thereto. Except as otherwise indicated by the text, the requirements for licensing group care facilities also apply to the certification of juvenile detention facilities.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-022 APPLICATION FOR LICENSE OR CERTIFICATION—INVESTIGATION.

(1) Persons or organizations applying for a license or for certification under this chapter shall do so on forms and comply with procedures prescribed by the department. The application shall be made by and in the name of the person(s) or legal entity which shall be responsible for the operation of the facility.

(2) The department may require such additional information from individual applicants as it deems necessary. The department may perform such corollary investigations of applicants, licensees, their staff and members of their households as it deems necessary, including accessing of criminal histories and law enforcement files.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-024 LICENSES FOR HOMES SUPERVISED BY LICENSED AGENCY. Foster family homes certified by a licensed child-placing agency as meeting licensing requirements for foster family homes shall accept children only from the certifying child-placing agency. Licenses issued under this section are valid only as long as the homes remain under the supervision of the certifying licensed agency and operate in accordance with licensing requirements. This section does not apply to agencies which are certified (rather than licensed) in accordance with WAC 388-73-020.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-052 INTERSTATE PLACEMENT OF CHILDREN. All interstate placement of children shall be in accordance with chapter 26.34 RCW, except that for children who are in the care of a crisis residential center and who have legal residence outside the state of Washington and who refuse to return home, provisions of chapter 13.24 RCW (interstate compact on juveniles) shall apply.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-054 CLIENT RECORDS AND INFORMATION. Records and information concerning

persons in care shall be maintained in such a manner as to preserve their confidentiality. For American Indian children see WAC 388-73-044. Records giving the following information on each person under care shall be maintained at the licensed facility:

(1) Identifying information, including name, birth-date, and, for full-time care providers, dates of admission, absences and discharge; for day care providers, daily attendance.

(2) Names, addresses, and telephone numbers, if any (home and business) of parents and/or other persons to be contacted in case of emergency.

(3) Dates and kinds of illnesses and accidents, medication, and treatments prescribed and time they are given and by whom, and, except for crisis residential centers and certified juvenile detention facilities, dates and types of immunization, and other pertinent information relating to the person's health.

(4) Written parental consent (or court order) for providing medical care and emergency surgery except as such care is otherwise authorized by law.

(5) Names, addresses and telephone numbers of persons who are authorized to take the person under care out of the facility.

(6) Authorization for acceptance of the person under care. Juvenile detention facilities and crisis residential centers shall record the time and date a placement is made, the names of the person and organization making the placement and the reasons for the placement.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-056 REPORTING OF ILLNESS, DEATH, INJURY, EPIDEMIC OR CHILD ABUSE. The licensee shall report to the persons indicated the following events as soon as practical after occurrence:

(1) To the department, placement agency and responsible relative

(a) Serious injury or death of a person under care

(b) Evidence of child abuse or neglect and child abandonment. See chapter 26.44 RCW and WAC 388-73-050, and 388-73-044.

(2) To the local public health officer any occurrence of food poisoning or communicable disease as required by the state board of health.

(3) Day care providers shall in addition report to the responsible relative illness of the person under care and known or suspected exposure to communicable disease.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-058 EARNINGS, ALLOWANCES, PERSONAL BELONGINGS. Except for crisis residential centers and juvenile detention facilities, full time child care providers shall give each child a regular allowance based on his/her age, needs and ability to handle money. Group care facilities shall account for allowances given and for children's earnings, if any, in a ledger or other appropriate record maintained for this purpose. When a person is discharged, he/she shall be permitted to take his/her personal belongings and all of

his/her money, or be fully informed about the transfer of his/her money to another facility.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-072 EDUCATION AND VOCATIONAL INSTRUCTION. Each group care facility, other than a crisis residential center or juvenile detention facility, and each maternity service, day treatment program, and child-placing agency shall:

(1) Provide or arrange for the provision of a suitable educational plan for each person in care who has not completed high school. Group care agencies shall provide suitable study areas. If instruction is given on the agency's premises, appropriate classrooms separate from the living area shall be provided.

(2) Provide the department with a written description of its educational program.

(3) Where an academic program is not appropriate for a particular person in care, the agency shall provide or arrange for a vocational training program either within or outside the agency. Such training shall be geared to helping the person to attain self-sufficiency. If a person has job skills, a training program may not be needed, but assistance in obtaining suitable employment shall be provided when necessary.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-074 SOCIAL SERVICE STAFF. (1) Each child-placing agency, day treatment program, maternity service, and group care facility, except for juvenile detention facilities, shall provide or arrange for social services by persons at least one of whom has a master's degree in social work or closely allied field.

(2) Social service staff who do not have a master's degree in social work shall have a bachelor's degree in social work or closely allied field and shall be under the supervision of a person having a master's degree in social work or closely allied field for a minimum of two hours per week.

(3) When social services are provided by an agency other than the licensee, there shall be a written agreement detailing the scope of service to be provided. Any such agreement must meet the requirements of this section.

(4) The following minimum ratios of full-time social service staff providing direct services to persons under care shall be provided:

Day Treatment Program	1 to 15
Group Care Facilities	1 to 25
Child-Placing Agency	1 to 25
Maternity Services	1 to 25
<u>Regional and other group care crisis residential centers</u>	<u>1 to 5</u>

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-076 SOCIAL STUDY-TREATMENT PLANS. Except for juvenile detention facilities, the social service staff of each child-placing agency, day

treatment program, maternity service, and group care facility shall:

(1) Develop or assemble from appropriate sources a written diagnostic social study on each child and expectant mother accepted for care. Except in the case of persons accepted for emergency care, the study shall serve as the basis of the person's admission to care. In such case, the study shall be completed within thirty days after admission if the person remains in care. The study shall contain in addition to the minimum information recorded as required by WAC 388-73-054 the following information:

(a) Child's school records (grade placement, report cards and correspondence with schools).

(b) Copies of psychological or psychiatric evaluations, if any, of the child or expectant mother.

(c) A narrative description of the background of the child and his family, their inter-relationships and the problems and behaviors which necessitate care away from own home, previous placement history, if any, and an evaluation as to need for the particular services and type of care which licensee will provide. For American Indian children see WAC 388-73-044.

(2) Develop and implement a written treatment plan for each person accepted for care. Such plan shall outline the agency's treatment goals and methods of work with the individual and his family. The plan shall be updated at least quarterly to show progress toward achievement of goals and shall identify impediments to the return of the child to his own home, the home of relatives, or placement for adoption and steps taken or to be taken to overcome those impediments. No person shall be admitted to nor retained in an agency's program who cannot be served effectively by that program or who can be served more appropriately by another available program.

(3) Whenever the treatment plan indicates the child may return to his/her own home, the agency shall provide or arrange for services to child's parents. Where geographical or other conditions prevent the licensee from working directly with child's parents or another agency is already providing appropriate services, the licensee shall enter into an agreement with that agency for joint planning and exchange of reports toward the end of reuniting the family, or shall make arrangements with another appropriate agency toward that end.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-108 BEDROOMS. In full-time care facilities:

(1) Hallways, kitchens, living rooms, dining rooms and unfinished basements shall not be used as bedrooms. (~~Windows shall be curtained to provide privacy.~~) Every bedroom shall be an outside room permitting entrance of natural light. Separate sleeping quarters shall be furnished for each sex for children over six years of age. Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets. There shall be not less than thirty inches laterally between beds. In group-care facilities and maternity homes, single occupancy bedrooms shall provide at

least eighty square feet of floor space. Each person in care shall have a bed of his/her own. There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules.

(2) For each person in care there shall be a (~~chest of drawers or other adequate storage space and a~~) bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets and pillow cases. Pillows shall be covered with waterproof material or be of a washable type. Waterproof mattress covers shall be provided for incontinent persons.

(3) The upper bunk of doubledeck beds are prohibited for use by preschool-age children, expectant mothers and handicapped persons. When mother and child sleep in the same room, the room shall contain at least one hundred square feet of usable floor space. A crib or bassinet with a clean, firm mattress covered with a waterproof material shall be provided for the child. No more than one mother and her newborn infant(s) may occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) No child over the age of one year shall share a bedroom with foster parents or agency staff. An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(6) See WAC 388-73-146(7) for requirements for cribs for infants.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-134 FIRST AID. (1) A person who has completed a basic Red Cross first aid course or a first aid course approved by the department and training in cardio-pulmonary resuscitation shall be present at all times persons are under care or the licensee shall have a plan approved by the department to obtain such training except that for foster family homes, the "at all times" provision is not applicable. A list of the names of persons who have completed such a course, and the dates of completion shall be maintained in the facility. The requirement for CPR training may be waived for persons when such training is contraindicated for medical reasons.

(2) First aid supplies, as needed to conform with the plan of action, shall be readily available. First aid supplies shall include syrup of ipecac.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-140 HEALTH HISTORY, PHYSICAL EXAMINATIONS, IMMUNIZATIONS. This section is not applicable to crisis residential centers and juvenile detention facilities.

(1) A health history for each person under care shall be obtained when the person is accepted for care. This shall include the date of the person's last physical examination, allergies, any special health problems, and for children, an immunization history.



(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant or certified registered nurse (nurse practitioner) within one year prior to admission, arrangements shall be made for an examination within thirty days.

(3) Yearly physical examinations are required for each child who is not under regular medical supervision.

(4) Prior to admission or within a reasonable period of time thereafter, each child shall have immunizations appropriate to his age completed or brought up to date for diphtheria, tetanus, polio, measles and rubella.

(5) Children who have not received all immunizations appropriate for their age may be accepted on a provisional basis if immunizations are started and are completed as rapidly as is medically indicated. Exceptions to this immunization requirement shall be made in the case of a parent or guardian who expresses religious, intellectual, or philosophical objections by signing a statement to this effect. Children also shall be excused upon the presentation of a physician's statement that a valid medical reason exists to contraindicate immunization.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-212 FOSTER CARE PLACEMENTS.** (1) The agency shall, in planning for children, give due consideration to:

(a) A child's basic right to his/her own home and family;

(b) The importance of skillful professional service to parents to help them meet the child's needs in his/her own home whenever possible;

(c) The child's individual needs, his/her ethnic background, religious background, his/her family situation and the wishes and participation of his/her parent; and

(d) The recruitment and selection of a foster home that will provide for maximum development of the child's capacities and meet the child's individual needs. Placements which involve the likelihood of community concern shall first be submitted to the department for review and written approval. See WAC 388-73-044 for recruitment involving placement of American Indian children.

(2) A written social study of each child and expectant mother shall serve as the basis for acceptance for foster care and related services.

(3) Every acceptance for care shall be based on well-planned, individual preparation of the child and his/her family and the expectant mother other than in emergent situations.

(4) Except in an emergency, a child shall be placed in foster care only with the written consent of his/her parents or under order of a court of competent jurisdiction. Such consent or order shall include authorization for medical care or emergency surgery.

(5) All foster homes and group care facilities used by child-placing agencies shall be licensed.

(6) The frequency of the caseworker's contacts with an expectant mother or child and his family shall be determined by a casework plan reflecting their needs. Each

active foster home shall be visited not less than once every ninety days.

(7) The preparation for discharge from placement shall follow the same basic steps as preparation for placement, but a child shall be released only to parents, adoptive parents, guardians or other persons or agencies holding legal custody, or to a court of competent jurisdiction.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-216 ADOPTIVE PLACEMENTS.**

(1) The agency shall protect the child from unnecessary separation from his/her natural parents when they are capable of successfully fulfilling their parental role or can be helped to do so. Adoptive placement shall be made only when the child is freed for adoption by action of a court of competent jurisdiction giving the agency authority to place such child for adoption and to consent to his adoption as provided by RCW 26.36.010.

(2) The agency shall evaluate adoptive applicants in relation to their capacity and readiness for parenthood, their emotional and physical health and ability to shelter, feed, clothe, and educate an adopted child. The agency shall protect the child from placement which would be detrimental to his/her well-being and from interference of natural parents after placement. Preplacement reports shall be filed with the court as required by RCW 26.32.200 through 26.32.270.

(3) The agency shall make reasonable efforts to place a child in an adoptive home of the ethnic and religious background preferred by the child or his/her parents: **PROVIDED**, That if such a home is not available within a reasonable period of time after the child is ready for adoptive placement, the child shall be placed in any other available and otherwise suitable home: **AND PROVIDED FURTHER**, That when a child is seven years of age or older and has been living in a particular religious or ethnic environment which has positive meaning to him or her, the agency shall ordinarily continue to seek an adoptive home of that religious or ethnic background for a period not to exceed six months prior to placement in an otherwise suitable home. See WAC 388-73-044 for placement involving an American Indian child.

(4) The agency shall transmit to the adoptive parents at time of placement a medical report containing all reasonably available information concerning the child to be placed, especially that which would indicate the child is mentally deficient or physically impaired by reason of heredity, process of birth, disease or any other cause as required by RCW 26.36.050. The agency shall provide continued social service to assist the child and the family during the period of adjustment, and shall prepare information necessary for reporting to the court as next friend of the child at the time the adoption petition is heard.

(5) The agency shall be responsible for receiving and providing temporary care for children in need of adoptive placement and, when authorized by a court of competent jurisdiction, for placing them for adoption and giving consent to their adoption.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-304 CAPACITY.** (1) No family home for adults shall be licensed for more than four adults.

(2) No foster family home for children shall be licensed for more than four foster children; nor more than a total of six children to include the foster parent's own minor children residing in the home.

(a) No home designated by the department as a "receiving home" shall be licensed for more than six foster children, such number to be reduced by the number of the foster parent's own minor children residing in the home;

(b) No home that otherwise meets these standards shall be denied a license for the care of at least one child or single family of children.

(3) No foster family home for expectant mothers will be licensed for more than three expectant mothers.

(4) No foster family home for children shall be licensed for more than two children under two years of age, such number to be reduced by the number of licensee's own children of such age.

(5) No family home shall be licensed for the care of more than two persons suffering mental or physical handicaps of such severity as to require nursing care, and then only if the licensee is qualified by training and/or experience to provide proper care and the person's treatment is under the supervision of a physician.

(6) No foster family home which functions as a crisis residential center shall be licensed for the care of more than four children, including the foster parents' own minor children residing on the premises. No more than two children who require crisis care may be in care at the same time. All such homes shall be two-parent homes and one or the other of the foster parents shall not be employed outside the home.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-306 FOSTER PARENTS/SPONSORS—EMPLOYMENT.** If both foster parents/sponsors in a two-parent home, or the single foster parent/sponsor in a one-parent home, are or is employed outside the home, the placing agency or department must give written approval. Such approval will be based on the needs of the persons under care. The foster family/sponsor(s) shall have sufficient regular income to maintain their own family without the board payments made for the persons in care.

This section is not applicable to foster family homes licensed as crisis residential centers.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-604 DAILY ACTIVITY PROGRAM.** Except for juvenile detention facilities the agency shall submit a detailed written program description for departmental approval outlining the educational, recreational, and therapeutic services to be provided to

the child and his family, a schedule of typical daily activities for persons in care, and a statement of religious practices, if any.

**AMENDATORY SECTION** (Amending Order 1336, filed 9/8/78)

**WAC 388-73-606 REQUIRED POSITIONS.** An agency shall provide staff in accordance with the following requirements:

(1) A director who shall be responsible for the general management and administration of the agency's program. This person shall be at least twenty-one years of age and possess ability to understand the role of the agency in meeting the needs of children and to work with representatives of appropriate agencies. This person shall have had a bachelor's degree in a social science or closely allied field or shall have had a minimum of two years' experience working in a group care facility or as a foster parent with a letter of recommendation from the licensing agency and/or supervising agency.

(2) Child care staff whose primary duties are the care, supervision, and guidance of children. Such staff shall be at least eighteen years of age. Staff under twenty-one years of age shall be under the immediate supervision of staff who are at least twenty-one years of age.

In addition, in crisis residential centers, no less than fifty percent of the child care staff shall have completed at least two years of college and one year of working with children in a group setting. Experience may be substituted for education on a year-for-year basis. A BA degree in behavioral or social science may be substituted for experience. The remaining child care staff shall have at least a high school diploma (or equivalent) and one year of successful experience as a foster family parent for three or more children or working with children in a group setting. Two years of college may be substituted for the required experience.

(a) Except for crisis residential centers and juvenile detention facilities, during the waking hours of the children there shall be at least one child care staff member on duty for every eight children or major fraction (five or more) of such number of children on the premises.

For juvenile detention facilities there shall be a minimum of one child care staff on duty for every ten children in care during the waking hours of the children.

For regional crisis residential centers, there shall be a minimum of one child care staff on duty for every two children in care during the waking hours of the children, and a minimum of three such staff for every eight children during the sleeping hours.

For other group crisis residential centers, during the waking hours, there shall be a minimum of one child care staff for every three children in temporary protective care without duties related to the children in full-time care. During the sleeping hours, there shall be one such staff member for every five such children. If the two classes of children are combined into one group, the staff ratio applicable to the children in temporary care shall prevail.

For both types of crisis residential centers, on duty staff does not include staff who are asleep on the premises.

The director and support and maintenance staff may serve as child care staff when not involved in other duties, provided the required number of child care staff is maintained.

(b) Except for crisis residential centers whenever more than eight children are on the premises at least two adults (including at least one child care staff) shall be on duty. During nighttime hours "on duty" staff may include staff who sleep in the group care facility and who are available to the children. During sleeping hours there shall be at least one adult in proximity to the children.

(c) Agencies caring for very young children or for children presenting emotional disturbance, physical handicaps or mental retardation shall provide such additional child care staff and professional services for the children as the department requires.

(d) Whenever only one child care staff is on duty, there shall be a second person on call.

(3) Relief staff to enable all staff to have the equivalent of two days off a week.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-610 REQUIRED ROOMS, AREAS AND EQUIPMENT—GROUP CARE FACILITIES. There shall be rooms and areas of sufficient size and properly equipped to accommodate the number of children served. The following rooms or areas shall be provided:

(1) Living room. There shall be at least one comfortably furnished living room. (This subsection is not applicable to juvenile detention facilities.)

(2) Dining area. An attractive dining area shall be provided of sufficient capacity to accommodate the group comfortably. (This subsection is not applicable to juvenile detention facilities.)

(3) Staff quarters. Rooms for staff on night supervision shall be separate from but in proximity to the sleeping rooms of the children. (This subsection is not applicable to juvenile detention facilities.)

(4) Recreation area. When there are more than twelve occupants, at least one separate indoor area shall be provided, sufficient in size and location, for recreational and informal education activities.

(5) Offices. There shall be a room or area that can be used as an administrative office. Suitable offices shall be provided for social service staff. In facilities caring for fewer than thirteen children such offices may be combined with the administrative office.

(6) Visiting area. There shall be space provided where privacy can be achieved for the use of visitors.

NEW SECTION

WAC 388-73-800 CRISIS RESIDENTIAL CENTERS. The rules in WAC 388-73-800 through 388-73-820 apply exclusively to crisis residential centers. The crisis residential center may, in addition to being licensed as such, also be licensed as a family foster home or as a group care facility and may house juveniles assigned for regular foster family care or group care as well as juveniles receiving temporary protective care.

NEW SECTION

WAC 388-73-802 LIMITATIONS ON NUMBER OF FACILITIES. Crisis residential centers will be licensed as such at the discretion of the department as determined by the need for such a facility in the area in which the facility will be located and moneys appropriated for such purposes.

NEW SECTION

WAC 388-73-804 HOURS OF OPERATION. Intake shall be open twenty-four hours a day, seven days a week.

NEW SECTION

WAC 388-73-810 GROUP CRISIS RESIDENTIAL CENTERS. All requirements applicable to group care facilities unless otherwise indicated by the text, are also applicable to regional crisis residential centers and to crisis residential centers operated as part of a licensed group care facility.

NEW SECTION

WAC 388-73-820 FAMILY CRISIS RESIDENTIAL CENTERS. All requirements applicable to foster family homes, unless otherwise indicated in the text, are also applicable to crisis residential centers operated in a foster family.

**WSR 79-10-027**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 79-78—Filed September 10, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order adopts regulations pursuant to the Columbia River Compact meeting September 6, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1979.  
By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-32-03000Q AREAS AND SEASONS—COLUMBIA RIVER** Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031, and WAC 220-32-032, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except in those areas and at those times designated below:

Areas 1A, 1B, 1C and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of the Willamette River.

6 p.m. September 11 to 6 p.m. September 14, 1979.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03000P CLOSED AREA (79-61)

**WSR 79-10-028**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-79—Filed September 10, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an abundance of hatchery returns makes this additional protected area unnecessary.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1979.  
By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-32-05800C RIVER MOUTH CLOSURE** Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-058, effective 4 p.m. September 10 through 12:00 noon September 11, 1979, it shall be lawful for those individuals possessing fishing rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties to take, fish for and possess salmon for commercial purposes in that portion of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Tunnel Number Five Point located approximately 1.8 miles west of Spring Creek Fishway to a boundary marker approximately 1/4 mile east of Spring Creek Fishway except in that portion 300 feet offshore between a line projected from a boundary marker 300 feet east of the hatchery fish ladder perpendicular to the thread of the stream and a line projected from a boundary marker 300 feet west of the hatchery fish ladder perpendicular to the thread of the stream.

**WSR 79-10-029**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-80—Filed September 10, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a strong showing of hatchery coho and reduced fishing effort due to the Columbia River opening allow additional opening in upper Willapa Bay.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1979.  
By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-40-02200G WILLAPA HARBOR—GILL NET (1)** Notwithstanding the provisions of WAC 220-40-22 and WAC 220-40-024, it shall be lawful to

take, fish for and possess salmon for commercial purposes with gill net gear in Willapa Harbor Fishing Areas 2G and 2H from 6:00 p.m. Monday, September 10, through 6:00 p.m. Friday, September 14, 1979.

(2) It shall be unlawful to take, fish for or possess salmon for commercial purposes in the above described areas during the above described times with gill net gear having a mesh size smaller than 5 inches or greater than 7 inches.

**WSR 79-10-030**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Nursing)**  
 [Order PL 313—Filed September 11, 1979]

Be it resolved by the Board of Nursing, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to nursing assistant certification: requirements for obtaining certification of completion of a nursing assistant program; nursing assistant certification examination; nursing assistant training program curriculum; nursing assistant training program conducted by nursing homes; nursing assistants trained in other programs; and issuing certificates of completion.

This action is taken pursuant to Notice No. WSR 79-08-097 filed with the code reviser on 7/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 114, section 6, Laws of 1979 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 5, 1979.  
 By Thelma Cleveland, R.N.  
 Chairperson

Chapter 308-121  
**NURSING ASSISTANTS**

- WAC
- 308-121-010 NURSING ASSISTANTS EMPLOYED IN NURSING HOMES ON JUNE 7, 1979 OR WITHIN ONE YEAR PRIOR TO THIS DATE - REQUIREMENTS FOR OBTAINING CERTIFICATE OF COMPLETION OF A NURSING ASSISTANT TRAINING PROGRAM.
  - 308-121-020 NURSING ASSISTANT CERTIFICATE EXAMINATION.
  - 308-121-030 NURSING ASSISTANT TRAINING PROGRAM CURRICULUM.

- 308-121-040 NURSING ASSISTANT TRAINING PROGRAMS CONDUCTED BY NURSING HOMES.
- 308-121-050 NURSING ASSISTANTS TRAINED IN PROGRAMS NOT SPECIFIED IN WAC 308-121-030 AND WAC 308-121-040.
- 308-121-060 ISSUING CERTIFICATES OF COMPLETION.

NEW SECTION

WAC 308-121-010 NURSING ASSISTANTS EMPLOYED IN NURSING HOMES ON JUNE 7, 1979 OR WITHIN ONE YEAR PRIOR TO THIS DATE - REQUIREMENTS FOR OBTAINING CERTIFICATE OF COMPLETION OF A NURSING ASSISTANT TRAINING PROGRAM. (1) Any individual who was employed on June 7, 1979 or within one year prior to this date by a nursing home to assist in the care of patients under the direction and supervision of a registered nurse or licensed practical nurse may obtain a certificate of completion by meeting one of the following requirements:

(a) completion of a training program comparable to the curriculum defined in WAC 308-121-030 within three years prior to the effective date of these rules which curriculum is submitted to and approved by the Board; or

(b) evidence of at least 2,000 hours employment as a person providing services defined for a nursing assistant in a nursing home:

- (i) within three years prior to June 7, 1979; and
- (ii) with documentation of staff development attended as required by state and federal regulations for the most recent year of employment; or

(c) passage of a written or practical examination as defined in WAC 308-121-020.

(2) A roster of nursing assistants issued certificates shall:

- (a) be verified by the nursing home staff development designee defined in WAC 248-14-245; and
- (b) be submitted to the Board on forms provided by the Board within thirty days of completion.

NEW SECTION

WAC 308-121-020 NURSING ASSISTANT CERTIFICATE EXAMINATION. (1) A certificate of completion for an individual employed on June 7, 1979 or within one year prior to this date by a nursing home to assist in the care of patients under the direction and supervision of a registered nurse or licensed practical nurse may be obtained by passing a written or practical examination. The nursing assistant has the option of choosing one or both of the following:

- (a) a written examination which shall:
  - (i) be developed and approved by the Board;
  - (ii) be comprised of questions on the major areas of the curriculum as defined in WAC 308-121-030;
  - (iii) have 70% as the passing score in each major area of the curriculum;

(iv) be in writing but which may be read to the nursing assistant, and the answers given in writing or orally by the nursing assistant; and

(v) be conducted under examination conditions approved by the Board.

(b) a practical examination which shall:

(i) be developed and approved by the Board;

(ii) measure the competencies of the nursing assistant as defined in WAC 308-121-030 on forms provided by the Board;

(iii) have a passing score of satisfactory in all areas;

(iv) be conducted by an RN and the results attested to by the nursing home staff development designee defined in WAC 248-14-245; and

(v) be conducted under exam conditions approved by the Board.

(2) Failure to pass the examinations:

(a) after first failure of either the written or practical examination the nursing assistant shall:

(i) obtain documented retraining in the area of failure; and

(ii) repeat the examination in the area of failure;

(b) after second failure of either the written or practical examination the nursing assistant shall complete a training program as defined in WAC 308-121-030.

#### NEW SECTION

WAC 308-121-030 NURSING ASSISTANT TRAINING PROGRAM CURRICULUM. (1) Board approval of the curriculum as defined herein is required for all nursing assistant training programs.

(a) evidence that the curriculum as defined herein is included in the nursing assistant training programs shall be submitted to the Board on forms provided by the Board.

(b) for programs conducted in schools and colleges beginning during the months of September, October, and November 1979, Board approval may be obtained after the program has begun but in all cases shall be obtained prior to completion.

(c) changes related to the curriculum shall be submitted to the Board for approval thirty days prior to their implementation.

(d) every two years the Board shall review with the Superintendent of Public Instruction and the State Board for Community College Education the curricula of nursing assistant training programs conducted by publicly supported schools within the agencies' respective jurisdiction. Upon completion of the review, the Board shall approve or disapprove each program.

(2) Curriculum requirements for nursing assistant training program:

(a) the minimum number of contact hours required is 25 in classroom and 50 in clinical practice under the supervision of a registered nurse;

(b) classroom instruction shall include but not be limited to content areas with minimum hours as listed and clinical practice shall focus on the objectives as listed. Exceptions shall be justified to and approved by the Board; and

(c) specific references shall be made to federal and state laws and regulations affecting nursing assistant practice in nursing homes.

(3) Classroom instruction shall stress total care of the resident and consist of:

(a) role responsibility - 3 hours:

(i) ethical;

(ii) legal;

(iii) member of the health care team; and

(iv) resident's rights and responsibilities.

(b) safety concepts - 4 hours:

(i) medical aseptic technique including isolation;

(ii) environment;

(iii) body mechanics;

(iv) transfer and ambulation;

(v) restraints and other protective devices;

(vi) fire and disaster; and

(vii) food service.

(c) communications - 4 hours:

(i) psychosocial needs:

(A) verbal and non verbal communications;

(B) modifications for the handicapped; and

(C) overview of programs supporting treatments for mental and physical limitations;

(ii) medical and nursing terminology; and

(iii) recording and reporting.

(d) hygiene and restorative nursing care - 5 hours:

(i) personal hygiene;

(ii) activities of daily living;

(iii) nutrition;

(iv) excretory system;

(v) bladder and bowel retraining; and

(vi) preventive maintenance and rehabilitative measures.

(e) growth and development - 5 hours:

(i) basic needs;

(ii) developmental needs;

(iii) cultural factors;

(iv) process of aging including sexuality; and

(v) death and dying.

(f) monitoring body functions - 4 hours:

(i) vital signs;

(ii) height and weight;

(iii) intake and output; and

(iv) specimen collection and testing.

(4) Objectives of the supervised clinical practice shall describe in measurable terms the competencies of the graduate which include the following:

(a) incorporation of role responsibilities by:

(i) utilizing ethical/legal concepts in relation to self, health team members, residents and significant others;

(ii) maintaining confidentiality of information;

(iii) identifying administrative lines and reporting problems to the appropriate person;

(iv) identifying range and limitation of nursing assistant functions:

(v) accepting responsibility for own actions;

(vi) demonstrating promptness and dependability;

(vii) seeking assistance when unsure about appropriate action;

(viii) participating as a member of the health care team which includes the development and updating of resident care plans; and

(ix) utilizing the concept of the "Patient's Bill of Rights and Responsibilities" in resident relationships.

(b) demonstration of knowledge of safety concepts by:

(i) utilizing principles of medical asepsis and isolation techniques;

(ii) providing adequate ventilation, warmth, light and quiet measures;

(iii) utilizing measures that relieve pain and/or promote rest and sleep;

(iv) maintaining equipment and resident space clean and orderly;

(v) identifying and utilizing measures for accident prevention;

(vi) applying principles of body mechanics to self;

(vii) applying principles of body mechanics in transfers and ambulation of residents;

(viii) demonstrating proper application and release of restraints and other protective devices and care of residents in protective devices;

(ix) demonstrating knowledge of fire and disaster procedures; and

(x) applying principles of health and sanitation in the service of food.

(c) demonstration of appropriate communication skills by:

(i) listening and responding to verbal and nonverbal communication;

(ii) recognizing that one's own behavior influences resident's behavior;

(iii) seeking assistance in understanding resident's behavior;

(iv) making adjustments for physical or mental limitations;

(v) using terminology accepted in employing nursing home to record and report observations and pertinent information;

(vi) recording and reporting observations, activities and communications accurately; and

(vii) reading and documenting implementation of nursing orders.

(d) demonstration of knowledge of hygiene and restorative nursing care by:

(i) providing personal hygiene measures appropriately;

(ii) utilizing measures that promote good skin care including the use of anti-pressure procedures and devices;

(iii) carrying out preventive maintenance and rehabilitative measures such as therapeutic ambulation, exercise, range of motion and bed positioning in daily care;

(iv) recognizing and allowing opportunity for self-care according to resident's capability;

(v) assisting in the provision of adequate nutrition including fluid intake and progressive self feeding;

(vi) identifying and monitoring special dietary needs;

(vii) following correct procedures to aid adequate elimination from bladder and bowel;

(viii) demonstrating an understanding of the concepts of bladder and bowel retraining; and

(ix) making adjustments for physical or mental limitations.

(e) demonstration of knowledge of growth and development concepts by:

(i) identifying common basic human needs;

(ii) assisting in the provision for religious needs;

(iii) recognizing the resident's family as an influence on behavior and care;

(iv) identifying developmental tasks of aging;

(v) identifying cultural factors that may influence behavior;

(vi) describing the body responses, including sexuality, in the normal life cycle;

(vii) describing responses to loss, dying and death; and

(viii) demonstrating knowledge of post-mortem care.

(f) demonstration of accurate monitoring of body functions in:

(i) taking vital signs, height and weight and measuring intake and output;

(ii) collecting specimens such as sputum, urine, and stool, and testing where appropriate; and

(iii) recognizing and reporting deviations from normal limits.

#### NEW SECTION

WAC 308-121-040 NURSING ASSISTANT TRAINING PROGRAMS CONDUCTED BY NURSING HOMES. (1) Board approval required for non-curriculum matters in nursing assistant training programs conducted by nursing homes.

(a) all nursing homes shall apply to the Board for approval before conducting a training program leading to certification. Application forms shall be provided by the Board.

(b) evidence that the requirements for the curriculum as defined in WAC 308-121-030 and the non-curriculum matters as defined herein have been met shall be submitted to the Board on forms provided upon request at least ninety days prior to the first day of class.

(c) the nursing home shall be notified of the Board action regarding approval or disapproval with deficiencies noted within sixty days of receipt of request for Board approval

(d) Board approval must be obtained before the training program begins.

(e) changes related to the following requirements in an approved program shall be submitted to the Board for approval prior to their implementation.

(f) every two years the Board shall review the nursing assistant training programs conducted by nursing homes. Upon completion of the review, the Board shall approve or disapprove each program.

(2) Requirements for non-curriculum matters for nursing assistant training programs conducted by nursing homes:

(a) philosophy, objectives.

(i) the philosophy of the program shall be in writing and shall clearly indicate the belief of the nursing home about education, training and its responsibility to trainees.



(ii) the objectives of the program shall be clearly stated and shall identify in measurable terms the competencies of its trainees completing the program.

(b) organization.

(i) the program shall be conducted by a licensed nursing home.

(ii) the nursing home conducting the training program shall have an organizational chart showing lines of authority and cooperative relationships of the program with administration, other departments and agencies.

(iii) where clinical facilities are used outside the nursing home conducting the program, a letter of agreement identifying the responsibilities of the training program and the clinical facility signed by the program director and administrator respectively, shall be kept on file with the nursing home conducting the program.

(c) facilities and resources.

(i) physical facilities for teaching shall be provided to meet the needs of the program, the number of trainees and the instructional staff.

(ii) resources for planned learning experiences shall provide quality and variety to meet the objectives of the program.

(iii) clinical facilities used for trainees shall meet the requirements contained in WAC 248-14-240 and WAC 248-14-260 as now existing or hereafter amended.

(d) instructional staff.

(i) the program director shall be a registered nurse licensed by the state of Washington with a minimum of two years of nursing practice within the last five years.

(ii) all nurses on the instructional staff shall be currently licensed in the state of Washington.

(iii) the instructional staff nurses may delegate to other licensed nursing staff selected elements of clinical practice, however, they shall be available on site for supervisory consultation.

(iv) other instructional staff may include qualified specialists teaching in their area of expertise.

(v) instructional staff responsibilities shall include:

(A) creating and maintaining an environment conducive to teaching and learning;

(B) assisting in the development and implementation of program policies and approved curriculum;

(C) facilitating teaching and program evaluation and revision.

(vi) instruction staff/trainee ratio shall have ten as the maximum number of trainees in the clinical practice area for which an instructor shall be responsible at any one time. Exceptions shall be justified to and approved by the Board.

(e) Curriculum. The curriculum shall include but not be limited to the content and objectives as listed in WAC 308-121-030.

(f) Trainees.

(i) requirements for admission: trainees must be able to communicate in English.

(ii) requirements for completion: trainees complete the program when the competencies as listed in WAC 308-121-030 are satisfactorily demonstrated to the instructional staff and verified by the program director.

(g) Records and reports.

(i) the nursing home conducting the program shall provide for the safe maintenance of records for a ten-year period which include:

(A) program director and instructional staff qualifications;

(B) course outline and schedule;

(C) dates of employment, enrollment, class attendance and completion of program;

(D) teaching methodology including the number of classroom hours and hours in supervised clinical practice;

(E) evaluation tool for trainee performance based on the competencies defined in WAC 308-121-030;

(F) documentation of Board approval of program; and

(G) a copy of the certificate of completion.

(ii) a roster of nursing assistants issued certificates of completion verified by the program director shall be submitted to the Board on forms provided by the Board within thirty days of issuance.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

WAC 308-121-050 NURSING ASSISTANTS TRAINED IN PROGRAMS NOT SPECIFIED IN WAC 308-121-030 AND WAC 308-121-040. (1) Any nursing assistant who has completed a nursing assistant training program not specified in WAC 308-121-030 and WAC 308-121-040 may be issued a certificate of completion by a nursing home when the following conditions are met:

(a) the curriculum of the training program has been verified as comparable to the curriculum defined in WAC 308-121-030 by the nursing home staff development designee defined in WAC 248-14-245; and

(b) the verification has been submitted to and approved by the Board on forms provided by the Board.

(2) These programs may include but shall not be limited to:

(a) programs conducted or in progress from June 7, 1979 to the effective date of this rule;

(b) basic nursing courses completed since 1976 in schools of nursing approved pursuant to chapters 18.88 and 18.78 RCW;

(c) programs conducted in other states; and

(d) apprenticeship programs approved under chapter 49.04 RCW.

#### NEW SECTION

WAC 308-121-060 ISSUING CERTIFICATES OF COMPLETION. (1) Any nursing assistant employed by a nursing home who has satisfactorily completed a nursing assistant training program or the equivalent as provided in these rules shall be issued a certificate of completion.

(2) A copy of the certificate of completion shall be maintained in the employing nursing home.

**WSR 79-10-031**  
**ADOPTED RULES**  
**BOARD OF HEALTH**  
 [Order 185—Filed September 11, 1979]

Be it resolved by the Washington State Board of Health acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to Immunization of children attending day care centers against certain vaccine-preventable diseases, new WAC 248-100-164.

This action is taken pursuant to Notice No. WSR 79-07-105 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 8, 1979.

By Irma Goertzen  
 \_\_\_\_\_  
 Chairman  
Robert H. Barnes, MD  
 \_\_\_\_\_  
John B. Conway  
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Fred Quarnstrom  
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John A. Beare, MD  
 \_\_\_\_\_  
 Secretary

NEW SECTION

WAC 248-100-164 IMMUNIZATION OF CHILDREN ATTENDING DAY CARE CENTERS AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES. (1) DEFINITIONS.

(a) "Chief Administrator" means the person with the authority and responsibility for the immediate supervision of the operation of a day care center or, in the alternative, such other person as may be designated in writing for the purpose of carrying out the requirements of these regulations by the statutory or corporate board of directors of the day care center, or, if none, such other persons or person with the authority and responsibility for the general supervision of the operation of the day care center.

(b) "Full immunization" means immunization against the following vaccine-preventable diseases: Diphtheria, pertussis (whooping cough), tetanus, poliomyelitis, measles (rubeola), rubella (German measles), and mumps in accordance with schedules and with immunizing agents approved by the State Board of Health in these regulations. Full immunization applies only to children age

four and older who meet requirements as stipulated in subsection (2) of this section.

(c) "Local health department" means the city, town, county, district or combined city-county health department, board of health, or health officer which provides health services.

(d) "Day care center" means an agency which regularly provides care for a group of thirteen or more children for periods of less than twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

(e) "First day of attendance" means September 1, 1979 for all children enrolled in a day care center on or before that date and the actual date of first attendance for children enrolled thereafter.

(f) "Immunizing agents" means any vaccine or other biologic currently licensed and approved by the Bureau of Biologics, United States Public Health Service for immunization of persons against diphtheria, pertussis (whooping cough), tetanus, (DTP, DT, Td), measles (rubeola), rubella (German measles), mumps, and poliomyelitis Type I, II, and III (TOPV, IPV).

(g) "Immunization requirement" means the minimal acceptable schedule of immunizing agents as defined by the State Board of Health in these regulations for attendance of a child at a day care center.

(h) "Initiation of a schedule of immunization" is defined as the process of beginning or continuing a course of immunizations. All children who have not had three doses each of DTP/DT and polio vaccines with the last doses after the fourth birthday, and one dose each of measles, mumps and rubella vaccines are to be considered "initiating or continuing" a schedule of immunization. Children who do not meet the requirements for their age group must receive at least one dose of vaccine within forty-five calendar days of the child's first day of attendance.

(2) IMMUNIZATION REQUIREMENTS.

Children must meet the following immunization requirements for each age:

DTP/DT/Td VACCINE

<u>AGE</u>	<u>REQUIREMENT</u>
2 months	1 dose
4 months	2 doses
6 - 17 months	3 doses
18 - 47 months	4 doses
4 years and older	At least 3 doses provided that the last dose was administered at or after age 4.

TRIVALENT POLIO VACCINE - (TOPV) (IPV)

<u>AGE</u>	<u>REQUIREMENT</u>
2 months	1 dose
4 - 17 months	2 doses
18 - 47 months	3 doses
4 years and older	At least 3 doses provided that the last dose was administered at or after age 4.

**MEASLES\*, MUMPS, AND RUBELLA VACCINES**

<u>AGE</u>	<u>REQUIREMENT</u>
Under 15 months	None
15 months or older	1 dose of each administered at or after 12 months of age

**\*NOTE:** (1) Any child who is 15 months of age or older must have:

- (a) one dose of measles vaccine by the 45th day after the child's first day of attendance, or
- (b) one dose of measles vaccine within 45 days after the child becomes 15 months of age.

The above conditions do not apply to a child who is exempt for measles vaccine. Any child not meeting the measles requirement will be excluded from the day care center in the manner required by subsection (7) of this section.

(2) Measles vaccine is not recommended prior to 15 months of age unless there is an earlier threat of exposure to measles.

(3) A child meets the measles immunization requirement as a result of having had measles (rubeola) disease. In such instances, a physician must document and certify the month and year of disease occurrence.

**(3) INITIATION AND CONTINUATION OF A SCHEDULE OF IMMUNIZATION.**

(a) Attendance at a day care center by a child who has not received full immunization shall be conditioned upon the presentation of proof that the child has initiated or is continuing on a schedule of immunization according to subsection (1)(h) of this section.

(b) Admission in subsequent year(s). A child who is admitted conditionally as provided in subsection (3)(a) of this section, shall present proof of completion of each dose of vaccine required in subsection (2) of this section as soon as possible and not later than twelve calendar months from the time the child is admitted conditionally. This process shall be continued until the child is fully immunized. If the child has not completed the required schedule of immunization within the required time period, the "chief administrator" of the day care center shall immediately notify the local health department of the name and address of the child along with a report of the status of the child's immunization schedule and when the child was first admitted to the day care center. If there has been a sufficient period of time to reasonably permit the child to have completed the required immunization schedule, the health department shall issue an order of exclusion in the manner required in subsection (7) of this section. If there has not been sufficient time to complete the schedule, the health department shall

notify the child's parents and the "chief administrator" of the day care center as to when the schedule must be completed. If the schedule is not completed by that date, the health department shall issue an order of exclusion pursuant to subsection (7) of this section.

**(4) DOCUMENTARY PROOF.**

(a) Proof of full immunization, initiation or continuation of a schedule, or exemptions shall be entered by the parent on a Certificate of Immunization Status form (DSHS 13-263). Immunization data on the Certificate of Immunization Status form shall be based on a written personal immunization record given to the person immunized or to his or her parent or guardian by the physician or agency administering the immunization. This personal immunization record shall not be surrendered to day care center authorities and shall not substitute for the Certificate of Immunization Status form.

(b) The Certificate of Immunization Status form shall include at least the following information required to fulfill the intent of RCW 28A.31.118:

- (i) Name of person;
- (ii) Birthdate;
- (iii) Sex;
- (iv) Type of vaccine administered;
- (v) Date of each dose of vaccine, specifying month and year;
- (vi) Signature of parent, legal guardian or adult in loco parentis.

(c) The Revised Certificate of Immunization Status form (DSHS 13-263) shall be provided to licensed day care centers by the Department of Social and Health Services and will be the only acceptable form for all new registrants after September 1, 1979. For the child already registered or enrolled in a day care center prior to enactment of these regulations, previous Certificates of Immunization Status (e.g. DSHS 13-263) or locally developed forms approved by DSHS shall be acceptable as the official Certificate of Immunization Status: PROVIDED, That dates for the latest doses of DTP/Td and poliomyelitis vaccines are indicated and that dates (month and year) are provided for each dose of measles, rubella, and mumps vaccine, if required.

(d) Proof in subsequent years. Once proof of full immunization or proof of exemption from the immunization law has been presented, no further proof shall be required as a condition to attendance at a particular center provided that the Certificate of Immunization Status form on such a child remains on file at the day care center.

**(5) MEDICAL EXEMPTIONS.**

(a) Certification of medical contraindication for one or more immunization(s) shall be provided on the Certificate of Immunization Status form, certified and signed by a licensed physician.

(b) A child who is temporarily exempt from immunization for medical reasons may be admitted on condition that required immunizations are obtained at the termination of the duration of exemption. If the medical condition is permanent or life-long, the student may be admitted and the Certificate of Immunization Status filed on each child.

**(6) RELIGIOUS, PHILOSOPHICAL, PERSONAL EXEMPTIONS.**

(a) A child who is exempt from immunization because of religious, philosophical, or personal objections may be admitted to a day care center and the fact of the exemption shall be recorded on the Certificate of Immunization Status form signed by the parent, guardian, or adult in loco parentis.

(b) Each day care center shall keep on file the Certificate of Immunization Status form for each child so enrolled.

**(7) EXCLUSION FROM DAY CARE CENTER.**

(a) Conditions for attendance not fulfilled. Any child in attendance at a day care center who fails to provide documentary proof of full immunization, or proof of initiation or continuation of a schedule of immunization, or proof of either medical, religious, philosophical or personal objection, within forty-five calendar days after the child's first day of attendance, shall be excluded from the day care center by the "chief administrator" of the day care center until an acceptable Certificate of Immunization Status form is submitted to the "chief administrator".

(b) Notification to local health department. The "chief administrator" of a day care center shall collect, at the end of the forty-five day grace period and within five working days, the name and address of each child who does not comply with the requirements of these regulations and forward the name(s) to the local health department.

(c) Exclusion order from local health department. Upon receipt of name(s) and address(es) of each child failing to comply with the provisions for attendance at a day care center from the "chief administrator", the local health department shall notify the "chief administrator" and provide the "chief administrator" with a written order to exclude the children failing to comply with requirements of these regulations.

(d) Exclusion letter to parents of children failing to comply. Pursuant to the written exclusion order to the "chief administrator" from the local health department, the local health department will provide a standard exclusion notification letter to parents of children failing to comply with attendance requirements. This exclusion notification letter shall be of a form approved by the Department of Social and Health Services and signed by the local health officer. This shall serve as the written notice to parent(s) or legal guardian(s) of each child or to the adult(s) in loco parentis to each child, who is not in compliance with the requirements of these regulations. The notice shall fully inform such person(s) of the following:

(i) The requirements established by and pursuant to RCW 28A.31.118;

(ii) The fact that the child will be prohibited from further attendance at the day care center until requirements are met;

(iii) The immunization services that are available from or through the local health department and other public agencies.

(e) A child in attendance in a day care center by virtue of presenting proof of "initiation or continuation of a

schedule of immunization" or by presenting documentation of medical, religious, philosophical or personal objection may be subject to exclusion in the event of exposure in the day care center to a communicable disease for which the child is unimmunized.

**(8) RECORDS.**

(a) The official proof for documentation of compliance with these regulations shall be the Certificate of Immunization Status form. The revised Certificate of Immunization Status form will be required of all new registrants after September 1, 1979.

If a child was enrolled in a day care center prior to the effective date of these regulations, the Certificate of Immunization Status form DSHS 13-263, or approved locally developed forms on file will serve as documentary proof for admittance if requirements are met.

Day care centers shall have on file an approved Certificate of Immunization Status form for every child enrolled. When a child withdraws or transfers to a new day care center, the administrator shall return the Certificate of Immunization Status form to the parent.

(b) The "chief administrator" of a day care center shall allow agents of state and local health departments access during business hours to the immunization records retained on each child enrolled.

(c) Personal immunization record. The immunizations required by these regulations may be obtained from any private or public source desired, provided that the immunization is administered and records are made in accordance with these regulations. Any person or organization administering immunizations shall furnish each person immunized, or his or her parent or legal guardian, or any adult in loco parentis to the child, with a written record of immunization, the content of which the State Board of Health has prescribed.

**(9) REPORTING.**

The "chief administrator" of a day care center shall file a written annual report (multiple carbonized form) with the Department of Social and Health Services and local health departments on the immunization status of children by November 1 of each year and on forms prescribed by the Department of Social and Health Services.

**WSR 79-10-032****EMERGENCY RULES****DEPARTMENT OF AGRICULTURE**

[Order 1657—Filed September 12, 1979]

I, Errett Deck, deputy director of Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to motor fuels and home heating products.

I, Errett Deck, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is it has been estimated that 80%

of the retail gasoline dispensers and 100% of the computing type home delivery heating product meters will not compute above 99.9 cents per gallon. The advent of most grades of gasoline and the potential of home heating products exceeding \$1.00 a gallon necessitates a regulation to provide an alternate method of sale; provide uniformity in the advertising of the price of products and properly apprise the consumer of the method of sale being utilized. For these reasons, as deputy director of agriculture, I have determined that this regulation is essential to establish guidelines for the retail dispensing of motor fuels and home heating products.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 19.94 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 12, 1979.  
By Errett Deck  
Deputy Director

**NEW SECTION**

**WAC 16-657-001 RETAIL SALES OF MOTOR FUELS AND HOME HEATING PRODUCTS.** (1) All retail fuel metering and computing devices shall display the price per gallon or price per liter.

(2) All retail fuel metering and computing devices shall indicate the amount of fuel delivered during a single retail transaction.

(3) All retail fuel metering and computing devices shall register the selling price per unit.

(4) All retail fuel metering and computing devices shall register the total selling price for a single retail transaction.

**NEW SECTION**

**WAC 16-657-010 COMPLIANCE SCHEDULE FOR RETAIL MOTOR FUEL AND HOME HEATING PRODUCTS DISPENSERS.** Devices which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be brought into compliance on or before July 1, 1981.

**NEW SECTION**

**WAC 16-657-020 INTERIM RETAIL SALES OF MOTOR FUELS.** Devices which do not meet the requirement of WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at any location. Once it becomes necessary

for one device to be set at one-half price, or by the liter, all devices at that location shall be set at one-half price, or by the liter, so all devices dispense on the same method of sale.

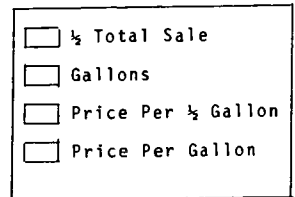
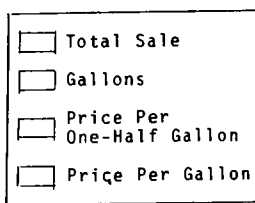
(2) The pump face shall be altered by using pressure sensitive labels made of weather resistance material. Lettering shall be of black letters of commercial quality and shall be the same size as existing lettering, or larger.

(3) The pump face shall be altered as follows:

(a) The "Price Per Gallon" indication on the face of the pump shall be replaced with the statement "Price per 1/2 gallon".

(b) The "Total Sale" indication on the face of the pump shall be replaced with the statement "One-Half Total Sale," or the statement "1/2 Total Sale".

Half Price System



(4) The "Price Per Gallon" shall be displayed as illustrated in WAC 16-657-020 (3) (b) above with the use of weather resistant markers for handwritten prices or the operator of one location may post a sign or placard at the top of each pump in conjunction with information required in subsections (5) and (6).

(5) On the top of each pump or each unit of a twin pump, a sign shall be posted: "Notice. The money values on this device are computed on the 1/2 gallon basis." The letters in the word "Notice" shall be at least two inch bold face type. The letters in the balance of the legend are to be at least one inch bold face type.

(6) Devices modified to dispense in the metric system in units of the litre shall have the individual pump or each unit of a twin pump marked with a placard bearing the following legend: "Notice. This device is computing in the metric system on the basis of the litre." The same size lettering as set forth in subsection (5) will be required.

(7) The exception to subsections (5) and (6) would be like information displayed on a reader board at all entrances to the station setting forth the required information in letter size at least four inches in height.

(8) Any advertised price of the half price gallon or the litre must be accompanied with the correct associated price per gallon in equal letter size for the whole cents and in compliance with RCW 19.94.390 with respect to fractions of a cent. Any posted or advertised price must be accurate and complete.

Any failure to comply with this order or any unlawful practice at any location shall be subject to RCW 19.94-.240 relating to a Stop-Use Order for these devices.

**NEW SECTION**

**WAC 16-657-030 INTERIM RETAIL SALES OF HOME HEATING PRODUCTS.** *Computing dispensing devices used in the delivery of home heating products which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities on one device at or operated from a given location. Once it is necessary for one device to be set at half price or modified to the litre, all devices at or operated from that location must be set at the same method of sale.*

*(2) The consumer's copy of the invoice covering deliveries of home heating products made on a basis of either half pricing or by the liter shall bear a clear and legible legend stating the computations have been made on the respective method of sale.*

WSR 79-10-033

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 10-79—Filed September 12, 1979]

Be it resolved by the State Board of Education, acting at Renton, Washington, that it does promulgate and adopt the annexed rules relating to state support of public schools, chapter 180-16 WAC.

This action is taken pursuant to Notice No. WSR 79-07-103 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.01-.010, 28A.41.130, 28A.41.140, 28A.58.754, 28A.58.758 and chapter 250, Laws of 1979, PVEL and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 24, 1979.

By Wm. Ray Broadhead  
Secretary

**AMENDATORY SECTION** (Amending Order 5-73, filed 9/6/73)

**WAC 180-16-162 PRESUMPTION OF APPROVED PROGRAM OPERATION—STRIKES—EXCEPTION—APPROVAL/DISAPPROVAL OF PROGRAM DURING STRIKE PERIOD.** It shall be presumed that all school days conducted during a school year for which the state board of education has granted annual program approval are conducted in an approved

manner, except for school days conducted during the period of a strike. The following shall govern the approval or disapproval of a program conducted during the period of a strike:

(1) Upon the submission of a complaint of substandard program operation by a credible observer, the state superintendent of public instruction may investigate the complaint and program being operated during the strike.

(2) The district's program shall be deemed disapproved if the investigation of the state superintendent establishes a violation of any one or more of the following standards or, as the case may be, such deviations as have been approved by the state board:

(a) ~~((WAC 180-16-165(1)(c)-(f)))~~ All administrators must have proper credentials((?));

(b) ~~((That portion of WAC 180-16-165(1)(d)))~~ WAC 180-16-220(2) which requires that all teachers have proper credentials;

(c) The school district shall provide adequate instruction ((f)) for all pupils in attendance((?));

(d) ~~((180-16-165(1)(j)))~~ 180-16-240(2)(g) which requires that ((f)) adequate provisions must be made for the health and safety of all pupils((?));

(e) The local district shall have a written plan for continuing the school program during this period; and

(f) The required ratio of enrolled pupils to certificated personnel for the first five days shall not exceed 60 to 1, for the next five days shall not exceed 45 to 1 and thereafter shall not exceed 30 to 1.

(3) Program disapproval shall be effective as of the day following transmittal of a notice of disapproval by the state superintendent and shall apply to those particular school days encompassed in whole or in part by the remainder of the strike period.

(4) The decision of the state superintendent shall be final except as it may be reviewed by and at the option of the state board.

(5) The program shall be deemed approved during those days of operation for which a trial court order is in effect ordering striking employees to work.

**AMENDATORY SECTION** (Amending Order 5-73, filed 9/6/73)

**WAC 180-16-164 WORK STOPPAGES AND MAINTENANCE OF APPROVED PROGRAMS FOR LESS THAN 180 DAYS NOT CONDONED.** Nothing in WAC 180-16-162, ~~((WAC))~~ 180-16-163 or ~~((WAC 180-16-165))~~ 180-16-191 through 180-16-240 shall be construed as condoning or authorizing any form of work stoppage which disrupts the planned educational program of a district, or any portion thereof, or the maintenance of an approved program for less than the minimum number of school days required by law except as excused for apportionment purposes by the superintendent of public instruction pursuant to RCW 28A.41.170.

**AMENDATORY SECTION** (Amending Order 3-78, filed 6/5/78)

**WAC 180-16-191 PURPOSE—PROGRAMS SUBJECT TO BASIC EDUCATION ALLOCATION**

**ENTITLEMENT REQUIREMENTS.** (1) Purpose. The purpose of WAC 180-16-191 through (~~(180-16-235)~~) 180-16-225 is to implement those portions of RCW 28A.41.130, 28A.41.140 and 28A.58.754 that authorize and require the adoption of program standards that govern a school district's entitlement to state basic education allocation funds pursuant to RCW 28A.41.130 and related statutes and appropriation acts. As used hereafter, "basic education allocation entitlement requirements" and "entitlement requirements" mean WAC 180-16-191 through (~~(180-16-235)~~) 180-16-225.

(2) Programs subject to entitlement requirements. The requirements, procedures and other provisions set forth in these basic education allocation entitlement requirements shall apply to kindergarten programs, and to such portion of the grade one through twelve program including related vocational instruction, as a school district (~~conducts. PROVIDED, That preschool programs, special education programs for students with handicapping conditions, programs for residents of the state institutions for the delinquent or handicapped, vocational-technical institute programs and postsecondary programs that a school district may conduct are not subject to or governed by these entitlement requirements.~~

~~Personnel, student, program and other data regarding preschool, special education, state institution, vocational-technical institute and postsecondary programs shall not be reported or used in determining compliance with these entitlement requirements except as expressly required by a particular provision.~~

~~See chapter 392-171 WAC for school district special education program and excess cost funding requirements and chapter 392-173 WAC for residential school special education program and funding requirements)) provides for students enrolled in kindergarten through grade twelve.~~

**AMENDATORY SECTION** (Amending Order 3-78, filed 6/5/78)

**WAC 180-16-195 ANNUAL REPORTING AND REVIEW PROCESS.** (1) Annual district reports. A review of each school district's kindergarten through twelfth grade program shall be conducted annually for the purpose of determining compliance or noncompliance with these basic education allocation entitlement requirements. On or before the third Monday in October of each school year each school district superintendent shall complete and return the program data report form(s) now and hereafter prepared and distributed by the superintendent of public instruction. Such forms shall be designed to elicit data necessary to a determination of a school district's compliance or noncompliance with these entitlement requirements. Data reported on any such form(s) by a school district shall accurately represent the actual status of the school district's program as of the first school day in October (~~(of)~~) and as thus far provided and scheduled for the entire current school year. Such forms shall be signed by: (a) The school board president or chairperson, and (b) the superintendent of the school district.

(2) State staff review. State staff shall review each school district's program data report and such supplemental state reports as staff deems necessary, and prepare recommendations and supporting reports for presentation to the state board of education: **PROVIDED**, That if a school district's initial program data report and any other state reports considered do not establish compliance with these basic education allocation entitlement requirements, the district shall be provided the opportunity to explain the deficiency and provide supplemental data. School districts which foresee that they will not be able to comply with these entitlement requirements or that are deemed by state staff to be in noncompliance may petition for a waiver on the basis of the limited grounds set forth in WAC 180-16-225.

(3) Annual certification of compliance or noncompliance—Withholding of funds for noncompliance.

(a) At the annual March meeting of the state board of education, or at such other meeting as the board shall designate, the board shall certify each school district as being in compliance or noncompliance with these basic education allocation entitlement requirements.

(b) A certification of compliance shall be effective for the then current school year subject to any subsequent ad hoc review and determination of noncompliance as may be deemed necessary or advisable by the state board of education or the superintendent of public instruction. In addition, a certification of compliance shall be effective tentatively for the succeeding school year until such time as the state board takes its annual action certifying compliance and noncompliance with these entitlement requirements, at which time the state board may retroactively and/or otherwise revoke such tentative certification upon a finding of noncompliance.

(c) A certification of noncompliance shall be effective until program compliance is assured by the school district to the satisfaction of the superintendent of public instruction, subject to review by the state board. Basic education allocation funds in an amount(s) established by the state board shall be (~~(withheld from)~~) permanently deducted from the basic education allocation of a school district that has been certified as being in noncompliance (~~(until such)~~) unless such district has received a waiver, pursuant to WAC 180-16-225, from the state board for such noncompliance, or assurance of program compliance is subsequently provided for the school year previously certified as in noncompliance and is accepted by the state board.

**AMENDATORY SECTION** (Amending Order 3-78, filed 6/5/78)

**WAC 180-16-200 TOTAL PROGRAM HOUR OFFERING—BASIC SKILLS AND WORK SKILLS REQUIREMENTS.** (1) Total program hour offering—Definition.

(a) Each school district shall make available to students enrolled at least a total program hour offering as set forth in subsections (2) through (6) of this section. For the purpose of this section, "total program hour offering" shall mean those hours of sixty minutes each, inclusive of intermissions for class changes (~~(and)~~), recess



and teacher/parent-guardian conferences which are planned and scheduled by the district for purposes of discussing students' educational needs or progress, and exclusive of ((intermissions)) time actually spent for meals, when students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district.

(b) Adjustments of program hour offerings between grade level groupings. Any school district may petition the state board of education for a reduction in the total program hour offering requirements for one or more of the grade level groupings specified in subsections (2) through (6) of this section. The state board of education shall grant all such petitions that are accompanied by an assurance that the minimum total program hour offering requirements in one or more other grade level groupings will be exceeded concurrently by no less than the number of hours of the reduction.

(c) Frequency and extent of basic skills and work skills offerings. A school district has "provided the opportunity to engage in" the basic skills and work skills activities required by this section when the district actually conducts such activities for students. If a district is not actually conducting the percentage(s) of basic skills and/or work skills required by this section, such district nevertheless shall be deemed to be in compliance with such requirements if such district made a reasonable and good faith effort to provide students the opportunity to take the section(s) or course(s) necessary to comply with such requirements, including having extended the enrollment period through at least the first school day of the term, but no student enrolled. Each of the basic skills areas specified in subsections (2) through (6) of this section for a particular grade level grouping must be offered each school year to students at one or more of the grade levels within the particular grade level grouping. ((Sec WAC 180-16-230 for the definitions of the various basic skills areas.)) Instruction in at least one of the following work skills ((defined in WAC 180-16-235)) must be offered each school year to students at one or more of the grade levels within each of the grade level groupings specified in subsections ((4) through) (5) and (6) of this section: Industrial arts, home and family life education, business and office education, distributive education, agricultural education, health occupations education, vocational education, trade and industrial education, technical education and career education.

(d) Five percent variation—Basic skills and work skills requirements. A school district may establish minimum course mix percentages that deviate within any grade level grouping by up to five percentage points above or below the minimums established by subsections (3) through (6) of this section, provided the total program hour offering requirement for the grade level grouping is met.

(2) Kindergarten. Each school district shall make available to students in kindergarten at least a total program offering of four hundred fifty hours each school year. The program shall include reading, arithmetic, language skills and such other subjects and activities as the school district shall determine to be appropriate for

the education of the school district's students enrolled in such program.

(3) Grades 1 through 3. Each school district shall make available to students in grades one through three at least a total program hour offering of two thousand seven hundred hours each school year. A minimum of ninety-five percent of ((the)) such total program hour offerings shall be in each of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. The remaining five percent of the total program hour offerings may include ((foreign languages, or)) such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(4) Grades 4 through 6. Each school district shall make available to students in grades four through six at least a total program offering of two thousand nine hundred seventy hours each school year. A minimum of ninety percent of ((the)) such total program hour offerings shall be in each of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. ((A minimum of five percent of the total program hour offerings shall be in the area of work skills.)) The remaining ((five)) ten percent of the total program hour offerings may include ((foreign languages, or)) such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(5) Grades 7 through 8. Each school district shall make available to students in grades seven through eight at least a total program hour offering of one thousand nine hundred eighty hours each school year. A minimum of eighty-five percent of ((the)) such total program hour offerings shall be in each of the basic skills areas of reading/language arts (which may include foreign languages), mathematics, social studies, science, music, art, health and physical education. A minimum of ten percent of the total program offerings shall be in the area of work skills. The remaining five percent of the total program hour offerings may include ((foreign language, or)) such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades.

(6) Grades 9 through 12.

(a) Each school district shall make available to students in grades nine through twelve at least a total program hour offering of four thousand three hundred twenty hours each school year. A minimum of sixty percent of ((the)) such total program hour offerings shall be in each of the basic skills areas of language arts, foreign language, mathematics, social studies, science, music, art, health and physical education. A minimum of twenty percent of the total program hour offerings shall be in the area of work skills. The ((remaining twenty percent)) remainder of the total program hour offerings may include traffic safety((, foreign language,)) or such subjects and activities as the school district shall determine to be appropriate for the education of the school district's students in such grades((, with not less than

~~one-half thereof in)): PROVIDED, That, whether or not the five percent deviations in course mix percentages allowed by subsection (2)(d) of this section are applied, not less than four hundred and thirty-two hours (i.e., ten percent of the total program hour requirement) of such remaining total program hour offering shall consist of basic skills and/or work skills: PROVIDED, That any program hours not achieved due to the implementation of WAC 180-16-215(4) relating to students graduating from high school, shall not be deducted from the total program hours calculated.~~

~~(b) Grade nine option. Each school district shall have the option of including grade nine within the program hour offering requirements of grades seven and eight so long as such requirements for grades seven through nine are increased to two thousand nine hundred seventy hours and such requirements for grades ten through twelve are decreased to three thousand two hundred forty hours. Each school district shall state which option is in use when providing compliance documentation to the superintendent of public instruction.~~

~~(7) ((Computation of required percentages of basic skills and work skills offerings:~~

~~(a) K through eight. The percentages of basic skills and work skills offerings required within the various grade level groupings from kindergarten through grade eight shall be computed and based upon a school district's total program hour offering within each particular grade level grouping.~~

~~(b) Nine through twelve. The percentage of basic skills and work skills offerings required within the nine through twelve grade level grouping shall be computed and based upon a school district's total number of teaching assignments within such grade level grouping.~~

~~(8) Reconsideration of initial program data report. If the initial program data report and other state reports submitted by a school district establish that the district is not actually conducting the percentage(s) of basic skills and/or work skills required by this section, the state staff shall provide the district the opportunity to establish that the district is, nevertheless, in compliance with the requirements of this section by virtue of one or more of the following or other pertinent considerations:~~

~~(a) The district made a reasonable and good faith effort to provide students the opportunity to take the section(s) or course(s) necessary to comply with the basic skills and/or work skills requirements of this section, including having extended the enrollment period through at least the first school day of the term, but no student enrolled, or~~

~~(b) The district is conducting a total program hour offering that exceeds the minimum required by this section and the percentage figure(s) used to determine compliance should, accordingly, be adjusted downward for computation purposes: PROVIDED, That, the district does comply with minimum percentage requirements for the required number of total program hour offerings. The school district may offer whatever additional courses and program hour offerings it shall determine to be appropriate for the education of the school district's students:)) Basis and means for determining~~

compliance with basic skills and work skills percentage requirements.

(a) Each school district shall adopt a written policy and procedure for establishing the basis and means for determining and monitoring compliance with the basic skills and work skills percentages and course requirements established by this section. Written documentation of such annual determinations and monitoring activities shall be maintained on file by each school district.

(b) Handicapped education programs, vocational-technical institute programs, state institution and state residential school programs, all of which programs are conducted for the common school age, kindergarten through secondary school program students encompassed by this section, shall be exempt from the basic skills and work skills percentage and course requirements of this section in order that the unique needs, abilities or limitations of such students may be met.

AMENDATORY SECTION (Amending Order 3-78, filed 6/5/78)

WAC 180-16-205 CLASSROOM TEACHER CONTACT HOURS REQUIREMENT. (1) Contact hours requirement—Definition. The average annual direct classroom contact hours for each average annual full-time equivalent certificated classroom teacher employed by a school district shall be no less than twenty-five hours per week. For the purpose of this section "classroom contact hours" shall mean those hours a certificated classroom teacher is instructing students in a classroom, exclusive of such time as the teacher spends for preparation, ((parent/teacher and other)) conferences, administrative duties, and any other nonclassroom instruction duties.

(2) Classroom—Definition. For the purpose of this section, "classroom" shall mean those areas or spaces within or without a building, on or off a school campus, that are utilized by a certificated classroom teacher and his/her students for the conduct of planned instructional activities.

(3) Computation of FTE teachers. For the purpose of this section the "average annual full-time equivalent classroom teachers" of a school district shall be the sum of full-time and part-time teachers computed as follows:

(a) Full-time teachers. Each employee who is employed full-time for the regular instructional year exclusive of summer school, and who is assigned solely classroom instructional and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract shall be counted as one full-time equivalent classroom teacher regardless of his/her actual teaching load. No such employee shall be counted as more than one full-time equivalent classroom teacher: PROVIDED, That in the case of full-time employees of a school district that conducts a year round regular school program who are employed for a term in excess of the equivalent of the regular instructional year for individual students, such excess term of employment ((may)) shall be counted as a portion of an additional full-time equivalent classroom teacher.

(b) Part-time teachers. Each part-time employee who is assigned classroom instructional duties solely or in part, and each full-time employee who is assigned both classroom instructional duties and nonclassroom related duties (e.g., administrative duties, extracurricular instructional or supervisory duties, etc.) pursuant to his/her basic contract, shall be counted as a fractional full-time equivalent classroom teacher based upon the percentage of time he or she performs duties equivalent to the duties performed by a full-time employee who is assigned solely classroom instructional duties and related duties (e.g., planning periods, parent/teacher conferences, before and after school supervision of students, etc.) pursuant to his/her basic contract.

(4) Computation of annual average direct classroom contact hour requirement. The number of average annual full-time equivalent classroom teachers employed by a school district and computed pursuant to subsection (3) of this section shall be divided into the sum of:

(a) The total number of hours (60 minutes each) within the regular instructional school year that such average annual full-time equivalent classroom teachers are scheduled to be in contact with and instructing students in a classroom (including those hours which would have been accrued but for the implementation of WAC 180-16-215(4), relating to students graduation from high school) divided by the quotient obtained by dividing the number of school days in the regular instructional year by five, plus

(b) ~~((Up to two hundred minutes as determined by the school district board of directors per average annual full-time equivalent classroom teacher for every five school days scheduled for the regular instructional school year. Up to two hundred minutes per week per average annual full-time equivalent classroom teacher is provided in order to reasonably account for informal, unstructured, instruction related contact with students))~~ At the discretion of each school district board of directors, up to two hundred minutes per average annual full-time equivalent classroom teacher for every five school days scheduled for the regular instructional year, for authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity.

The quotient shall not be less than twenty-five (hours).

AMENDATORY SECTION (Amending Order 3-78, filed 6/5/78)

WAC 180-16-210 KINDERGARTEN THROUGH GRADE THREE STUDENTS TO CLASSROOM TEACHER RATIO REQUIREMENT. The ratio of students enrolled in a school district in kindergarten through grade three to kindergarten through grade three classroom teachers shall not be greater than the ratio of students to classroom teachers in grades four through twelve. For the purpose of this section "classroom teacher" shall mean any instructional employee who possesses ~~((at least a provisional certificate or an equivalent permit issued by the superintendent of public instruction, but not necessarily employed as a certificated employee;))~~ a valid teaching certificate

or permit issued by the superintendent of public instruction and whose "primary" duty is the daily educational instruction of students. ((The term includes certificated teacher aides as well as teachers.))

(1) Computation of ratios. Student to classroom teacher ratios shall be computed as follows:

(a) .5 kindergarten October 1 enrollment + October 1 enrollment grades 1-3 divided by ( $\div$ ) FTE certificated employees whose "primary" duty is the daily instruction of pupils in grades K through 3.

(b) October 1 enrollment in grades 4 and above divided by ( $\div$ ) FTE certificated employees whose "primary" duty is the daily instruction of pupils in grades 4 and above.

(c) For the purpose of this section exclude that portion of the time teachers and students participate in vocationally approved programs, traffic safety and special education programs from the above computations (i.e., programs hereby deemed to be "special programs").

(d) Include in the above computations only the time certificated employees are actually instructing students on a regularly scheduled basis. Exclude preparation and planning times from the above computation.

(2) Exemptions. School districts that have a ratio of kindergarten through grade three students to classroom teachers of twenty-five to one or less, nonhigh school districts, and school districts that have a student enrollment of two hundred fifty or less in grade nine through twelve are exempt from the students to classroom teachers ratio requirement of this subsection.

AMENDATORY SECTION (Amending Order 3-78, filed 6/5/78)

WAC 180-16-215 MINIMUM ONE HUNDRED EIGHTY SCHOOL DAY YEAR. ~~((Each school district shall conduct no less than a one hundred eighty school day program each school year which shall be accessible to all legally eligible students, including handicapped students, who are five years of age and under twenty-one years of age who have not completed high school graduation requirements.))~~ (1) One hundred eighty school day requirement. Each school district shall conduct no less than a one hundred eighty school day program each school year in such grades as are conducted by such school district, and one hundred eighty half-days of instruction, or the equivalent, in kindergarten. If a school district schedules a kindergarten program other than one hundred eighty half-days, the district shall attach an explanation of its kindergarten schedule when providing compliance documentation to the superintendent of public instruction.

(2) School day defined. A school day shall mean each day of the school year on which pupils enrolled in the common schools of a school district are engaged in educational activity planned by and under the direction of the school district staff, as directed by the administration and board of directors of the district.

(3) Accessibility of program. Each school district's program shall be accessible to all legally eligible students, including handicapped students, who are five years of age and under twenty-one years of age who

have not completed high school graduation requirements.

(4) Five-day flexibility - Students graduating from high school. A school district may schedule the last five school days of the one hundred eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student.

AMENDATORY SECTION (Amending Order 3-78, filed 6/5/78)

WAC 180-16-220 SUPPLEMENTAL PROGRAM AND BASIC EDUCATION ALLOCATION ENTITLEMENT REQUIREMENTS. The following requirements, while not imposed by the "Basic Education Act of 1977," are hereby established by the state board of education as supplemental conditions to a school district's entitlement to state basic education allocation funds.

(1) Student to certificated staff ratio requirement. The ratio of students enrolled in a school district(~~(including special education students;)~~) to full-time equivalent certificated employees(~~(including special education program employees;)~~) shall not exceed thirty to one. For the purpose of this subsection, "certificated employees" shall mean those employees who are required by state statute or by rule of the state board of education, or by written policy of the school district to possess a professional education permit, certificate or credential issued by the superintendent of public instruction, as a condition to employment.

(2) Current and valid certificates. Every school district employee(~~(including special education program employees;)~~) required by state statute and/or rule of the state board of education to possess a professional education permit, certificate, or credential issued by the superintendent of public instruction for his/her position of employment, shall have a current and valid permit, certificate or credential.

(3) Participation in accreditation. Each school district shall participate in an accreditation process in accordance with the provisions of RCW 28A.04.120(4) and chapter 180-56 WAC, each as now or hereafter amended.

(4) Student learning objectives. Each school district shall have implemented a program of student learning objectives in the areas of language arts, reading and mathematics (~~(on or before September 1, 1978;)~~) for grades kindergarten through eight and on or before September 1, 1981, for grades nine through twelve.

(a) Each school district must evidence community participation in defining the student learning objectives of such a program.

(b) The student learning objectives of such program shall be measurable as to the actual student attainment. Student attainment shall be locally assessed annually.

(c) The student learning objectives program shall be reviewed at least every two years by the school district.

AMENDATORY SECTION (Amending Order 1-79, filed 1/30/79)

WAC 180-16-240 SUPPLEMENTAL PROGRAM STANDARDS. (1) Each school district superintendent shall file each year a statement of district standing relative to these standards noting any deviations. Such statement shall be submitted at the same time as the annual basic education allocation entitlement program data report(s) required by WAC 180-16-195 is submitted. Deviation from these standards shall not result in withholding of any or all of a district's basic education allocation funds, however. The deviations shall be made available to the public separately or as a portion of the annual district guide published pursuant to RCW 28A.58.758(3) and this section.

(2) Supplemental program standards are as follows:

(a) Appropriate measures are taken to safeguard all student and school district permanent records against loss or damage. See, e.g., RCW 40.14.070 regarding the preservation and destruction of local government agency records.

(b) Provision is made for the supervision of instructional practices and procedures.

(c) Current basic instructional materials are available for required courses of study.

(d) A program of guidance, counseling and testing services is maintained for students in all grades offered by that school district.

(e) A learning resources program is maintained pursuant to chapter 180-46 WAC and WAC 392-190-055, each as now or hereafter amended.

(f) The physical facilities of each district are adequate and appropriate for the educational program offered.

(g) There is adequate provision for the health and safety of all pupils within the custody of the school district. See, e.g., RCW 28A.04.120(11) regarding emergency exit instruction and drills and the rules or guidelines implementing the statute; the building code requirements of chapter 19.27 RCW and local building and fire code requirements; chapter 70.100 RCW regarding eye protection and the rules or guidelines implementing the chapter; RCW 28A.31.010 regarding contagious diseases and the rules, chapters 248-100 and 248-101 WAC, implementing the statute; RCW 43.20-.050 regarding environmental conditions in schools and the rules, chapter 248-64 WAC, implementing the statute; and local health codes.

(h) A current policy statement pertaining to the administration and operation of the school district is available in each district's administrative office including, but not limited to, policies governing the school building and classroom visitation rights of nonstudents.

(i) Chapters 49.60 and 28A.85 RCW are complied with. These statutes prohibit unequal treatment of students on the basis of race, sex, creed, color, and national origin in activities supported by common schools.

(j) A descriptive guide to the district's common schools is published annually by the school district's board of directors, pursuant to RCW 28A.58.758(3), and is made available at each school in the district for examination by the public.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 180-16-230 DEFINITIONS—BASIC SKILLS AREAS.  
 (2) WAC 180-16-235 DEFINITIONS—WORK SKILLS.

**WSR 79-10-034****ADOPTED RULES****STATE BOARD OF EDUCATION**

[Order 11-79—Filed September 12, 1979]

Be it resolved by the State Board of Education, acting at Renton, Washington, that it does promulgate and adopt the annexed rules relating to secondary education, chapter 180-56 WAC.

This action is taken pursuant to Notice No. WSR 79-07-102 filed with the code reviser on 7/3/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the State Board of Education as authorized in RCW 28A.04.120.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 24, 1979.

By Wm. Ray Broadhead  
Secretary

**AMENDATORY SECTION** (Amending Order 6-76, filed 6/1/76)

WAC 180-56-011 SCHOOL DISTRICT BOARD OF DIRECTORS TO ADOPT GRADUATION REQUIREMENTS. In order to clarify for students, parents and educators the minimum expectations for a high school diploma, the board of directors of each school district offering a secondary program in grades 9-12 shall adopt reasonable graduation requirements and make such requirements available in writing to students, parents and members of the public. ~~((It shall be appropriate for a school district to require the demonstration of certain minimum competencies as a condition to graduation. If established, any such competency requirements shall be in addition to a student having successfully completed certain minimum course requirements in academic, social, physical and occupational areas. In any case;))~~ The graduation requirements established by a school district shall represent reasonable expectations for all to whom they are applied.

**AMENDATORY SECTION** (Amending Order 6-76, filed 6/1/76)

WAC 180-56-036 ADDITIONAL HIGH SCHOOL GRADUATION REQUIREMENTS. Nothing in this chapter shall be construed as prohibiting each school district board of directors ((may)) from exercising such authority as the board has to adopt competency, course and credit graduation requirements in addition to the minimum set forth in WAC 180-56-021((-)); PROVIDED, That such additional requirements shall be consistent with the constitutional and statutory rights of students, and supported by a written rationale which is available to students, parents and the public upon request and which demonstrates that:

- (1) The quality of life of the individual student will be substantially enhanced; and
- (2) The probable success of the school district's high school students, as a whole, in post-high school education will be substantially enhanced; or
- (3) The probable success of the school district's high school students, as a whole, in obtaining employment will be substantially enhanced; or
- (4) The health, safety and welfare of the individual student will be substantially enhanced.

**WSR 79-10-035****ADOPTED RULES****DEPARTMENT OF GAME**

[Order 142—Filed September 12, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Aberdeen, Washington, that it does promulgate and adopt the annexed rules relating to WAC 232-28-402 1979 Upland game bird and migratory waterfowl seasons.

This action is taken pursuant to Notice No. WSR 79-07-100 filed with the Code Reviser on July 2, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 27, 1979.

By Ralph W. Larson  
Director

**NEW SECTION**

WAC 232-28-402 1979 UPLAND GAME BIRDS AND MIGRATORY WATERFOWL SEASONS.

**Reviser's Note:** The text and accompanying map comprising the 1979 Upland Game Birds and Migratory Waterfowl Seasons adopted

by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-401 1978 UPLAND GAME BIRD  
AND MIGRATORY WA-  
TERFOWL SEASONS

**WSR 79-10-036**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed September 12, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission, intends to adopt, amend, or repeal rules concerning the amending of WAC 480-12-180, relating to motor carrier safety. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, September 19, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 81.01.040[81.80.040], 81.80.211 and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 14, 1979, and/or orally at 8:00 a.m., Wednesday, September 19, 1979, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 79-07-075 and 79-09-016 filed with the code reviser's office on June 28, 1979 and August 9, 1979, respectively.

Dated: September 12, 1979

By: David Rees  
Secretary

**WSR 79-10-037**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed September 12, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social

and Health Services intends to adopt, amend, or repeal concerning Billing limitation—Sixty day period, amending WAC 388-87-015.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, November 7, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 21, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 10:00 a.m., Wednesday November 7, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: September 11, 1979

By: N. S. Hammond  
Executive Assistant

### AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-87-015 BILLING LIMITATIONS—(~~SIXTY~~) ONE HUNDRED TWENTY-DAY PERIOD. (1) Providers shall submit their charges at least monthly and shall present their final charges not more than (~~sixty~~) one hundred twenty days after termination of services. See RCW 74.09.160. An exception to this shall be made as a result of a fair hearing decision or court order involving a fair hearing decision which is favorable to the recipient. In such case, providers must present final charges to the department within (~~sixty~~) one hundred twenty days of the day of the decision or the date the order was entered (see RCW 74.08.080).

(2) When it is obvious that clearance of resources for an applicant will require more time than the (~~sixty~~) one hundred twenty-day billing period permits, an immediate request for permission for late billing shall be made to the department's state office. Permission for late billing cannot be granted if the request is received after expiration of the (~~sixty~~) one hundred twenty-day billing period.

(3) The (~~sixty~~) one hundred twenty-day billing limitation does not apply to those individuals eligible for federal aid medical care whose medical care and services are being paid for during the three-month retroactive period prior to the month of application. The (~~sixty~~) one hundred twenty-day limitation begins for such eligible individuals as of the date of certification. (See WAC 388-87-010(5)).

(4) The (~~sixty~~) one hundred twenty-day billing limitation does not apply to those individuals receiving supplemental security income benefits or disability related medical assistance when notification of related eligibility for medical care and services is delayed in the federal and state data processing system. The (~~sixty~~) one hundred twenty-day limitation begins for such eligible individuals on the last day of the month of certification. Medical only (mo) certifications may be similarly delayed pending disability determination.

**WSR 79-10-038**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 1432—Filed September 12, 1979]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to Billing limitation—Sixty day period, amending WAC 388-87-015.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this amendment is necessary to comply with chapter 81, Laws of 1979 1st ex. sess. which is effective September 1, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

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

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

APPROVED AND ADOPTED September 11, 1979.  
 By N. S. Hammond  
 Executive Assistant

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-87-015 BILLING LIMITATIONS—((SIXTY)) ONE HUNDRED TWENTY-DAY PERIOD. (1) Providers shall submit their charges at least monthly and shall present their final charges not more than ((sixty)) one hundred twenty days after termination of services. See RCW 74.09.160. An exception to this shall be made as a result of a fair hearing decision or court order involving a fair hearing decision which is favorable to the recipient. In such case, providers must present final charges to the department within ((sixty)) one hundred twenty days of the day of the decision or the date the order was entered (see RCW 74.08.080).

(2) When it is obvious that clearance of resources for an applicant will require more time than the ((sixty)) one hundred twenty-day billing period permits, an immediate request for permission for late billing shall be made to the department's state office. Permission for late billing cannot be granted if the request is received after expiration of the ((sixty)) one hundred twenty-day billing period.

(3) The ((sixty)) one hundred twenty-day billing limitation does not apply to those individuals eligible for

federal aid medical care whose medical care and services are being paid for during the three-month retroactive period prior to the month of application. The ((sixty)) one hundred twenty-day limitation begins for such eligible individuals as of the date of certification. (See WAC 388-87-010(5)).

(4) The ((sixty)) one hundred twenty-day billing limitation does not apply to those individuals receiving supplemental security income benefits or disability related medical assistance when notification of related eligibility for medical care and services is delayed in the federal and state data processing system. The ((sixty)) one hundred twenty-day limitation begins for such eligible individuals on the last day of the month of certification. Medical only (mo) certifications may be similarly delayed pending disability determination.

**WSR 79-10-039**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-81—Filed September 12, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chinook are no longer present in significant numbers. Coho are harvestable in this area.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 12, 1979.  
 By Gordon Sandison  
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-010A0M CLOSED AREA (79-76)



**WSR 79-10-040**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**  
 [Order PL 316—Filed September 13, 1979]

Be it resolved by the Washington State Board of Medical Examiners, acting at Hyatt House, Phoenix Room C, 17001 Pacific Highway South, Seattle, WA, that it does promulgate and adopt the annexed rules relating to the practice of medicine, repealing WAC 308-52-200, 308-52-210, 308-52-220, 308-52-230 and 308-52-240 relating to the Basic Science Examination.

This action is taken pursuant to Notice No. WSR 79-08-082 filed with the code reviser on 7/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71.017 which directs that the Medical Examining Board has authority to implement the provisions of chapter 18.71 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 7, 1979.

By Nancy S. Nordhoff  
 Chairman

**REPEALER**

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

- WAC 308-52-200 DEFINITIONS
- WAC 308-52-210 NATIONAL BOARD OF MEDICAL EXAMINERS
- WAC 308-52-220 STATE BOARD RECIPROCITY
- WAC 308-52-230 WASHINGTON STATE BASIC SCIENCE EXAMINATION
- WAC 308-52-240 APPLICATIONS FILED PRIOR TO JANUARY 1, 1970

**WSR 79-10-041**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Medical Examiners)**  
 [Order PL 317—Filed September 13, 1979]

Be it resolved by the Washington State Board of Medical Examiners, acting at Hyatt House, Phoenix Room C, 17001 Pacific Highway South, Seattle, that it does promulgate and adopt the annexed rules relating to the issuance of prescriptions by physician's assistants.

This action is taken pursuant to Notice No. WSR 79-08-084 filed with the code reviser on 7/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71A-.020 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 7, 1979.

By Nancy S. Nordhoff  
 Chairman

**AMENDATORY SECTION** (Order PL 264, filed 3/15/77)

**WAC 308-52-135 PHYSICIAN'S ASSISTANT PRESCRIPTIONS.** A physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by ~~((printing the name of the supervising physician;))~~ signing his or her own name followed by the letters "P.A." and the registration number.

(2) A physician's assistant employed or extended privileges by a hospital nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision. ~~((In every case, medical orders so written shall be countersigned by the supervising physician within forty-eight hours, but such countersignature shall not be required prior to the execution of any such order.))~~

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

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

**WSR 79-10-042**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**(Massage Examining Board)**

[Order 314, Resolution 9/79—Filed September 13, 1979]

Be it resolved by the Massage Examining Board, acting at the Rainier Room of the Sea Tac Hyatt House, 17000 Pacific Highway South, Seattle, WA 98188, that it does promulgate and adopt the annexed rules relating to grading of examinations, amending WAC 308-51-110.

This action is taken pursuant to Notice No. WSR 79-08-033 filed with the code reviser on 7/16/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Massage Examining Board as authorized in RCW 18.108.020.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1979.

By Yvonne Braeme  
 Administrative Assistant

AMENDATORY SECTION (Order PL 248, filed 5/25/76)

WAC 308-51-110 GRADING OF EXAMINATIONS. (1) The grading of all written examinations, and of oral questions given in lieu thereof, will be based upon a possible score of 100% and the minimum passing score shall be 70%.

(2) The grading of the practical demonstration and the oral questions given each applicant during such demonstration will be based upon a possible score of 100% and the minimum passing score shall be 70%. In determining the applicant's (~~overall~~) grade, the board members' grading for each element shown in WAC 308-51-100(4) for the practical demonstration will be totaled, and the total will then be averaged to establish the final grade for (~~this phase of the examination~~) each element of the practical demonstration.

(3) After the score of the applicant has been determined for each element of the practical demonstration, the Board will arrive at the applicant's overall score by applying the following formula:

(a) The scores achieved by the applicant on the elements of professional manner, draping, and use of lubricants will be totaled and averaged.

(b) The scores achieved by the applicant on the elements of effleurage, petrissage, rhythm, pressure, friction, vibration, Swedish gymnastics, tapotement, nerve strokes and contact will be totaled and averaged.

(c) The scores achieved by the applicant on the oral questions asked during the practical demonstration will be totaled and averaged.

(d) The applicant's overall grade on the practical demonstration will consist of a weighted average of the

scores determined under (a), (b) and (c) above. The score determined under (a) above will count 10%. The score determined under (b) above will count 60%. The score determined under (c) above will count 30%.

~~((3))~~ (4) Each applicant must obtain a grade of 70% or better on each portion of the examination, i.e., written (or oral in lieu of written), and practical demonstration, before being considered by the board to be technically qualified for licensing as a massage operator.

**WSR 79-10-043**

**ADOPTED RULES**

**DEPARTMENT OF GENERAL ADMINISTRATION**

**(Division of Savings and Loan Association)**

[Order 79-3—Filed September 13, 1979]

I, Sidney W. Toth, Supervisor of the Division of Savings and Loan Association, do promulgate and adopt at Olympia, Washington, the annexed rules relating to exercise of federal credit union powers.

This action is taken pursuant to Notice No. WSR 79-08-095 filed with the code reviser on July 30, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to (uncodified) chapter 98, Laws of 1979 1st ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 4, 1979.

By Sidney W. Toth  
 Supervisor

WAC 419-48

**REGULATIONS ON EXERCISE OF FEDERAL  
 CREDIT UNION POWERS**

NEW SECTION

WAC 419-48-010 GRANT OF FEDERAL CREDIT UNION POWERS TO STATE CHARTERED CREDIT UNIONS. Any credit union chartered under the laws of the State of Washington may exercise the powers granted by federal law to a federal credit union operating within the State of Washington, to the extent permitted by state statute and to the extent permission is granted by the supervisor in accordance with this chapter.

NEW SECTION

WAC 419-48-020 APPLICATION TO EXERCISE FEDERAL CREDIT UNION POWERS. Before any state chartered credit union proceeds to exercise any power granted to a federally chartered credit union doing business in Washington (except powers already conferred by state law on state chartered credit unions), the

credit union shall make written application to the supervisor for permission to amend its by-laws to exercise federal credit union powers. The application shall state the name of the applicant credit union, shall list the powers the credit union wishes to exercise, with citations to this chapter or to federal law, and shall contain any information the credit union wishes to offer which tends to show that the exercise of the federal power would serve the convenience and advantage of the credit union members and would maintain the quality of competition between state chartered credit unions and federally chartered credit unions. The supervisor may request additional information from the credit union, and it shall be supplied to the supervisor before he acts on the application.

#### NEW SECTION

WAC 419-48-030 SUPERVISOR ACTION ON APPLICATION. Upon receiving an application by a credit union to exercise the powers of a federally chartered credit union, the supervisor shall use the information contained in the application and any other information he may have at hand to determine whether the exercise of the federal powers applied for would serve the convenience and advantage of credit union members and whether it would maintain the quality of competition between state chartered credit unions and federally chartered credit unions in Washington. Depending on his determination, the supervisor may grant the application, grant it in part, grant it subject to special conditions, or deny the application. If any part of the application is granted, the supervisor shall in writing set forth those powers which the applicant credit union may exercise, by reference to this chapter, by reference to federal statutes and regulations, and/or by detailing any conditions which the supervisor places on the granting of the application. Upon receipt of the supervisor's letter granting permission to exercise powers of a federally chartered credit union, the credit union may proceed to amend its by-laws to exercise the powers permitted. If a credit union's by-laws have already been amended to permit the exercise of federal credit union powers in general terms, the credit union may apply for and exercise specific powers as permitted under this chapter without further amending its by-laws.

#### NEW SECTION

WAC 419-48-040 APPLICABILITY OF FEDERAL STATUTES, REGULATIONS AND CASE LAW. When the supervisor grants permission to a credit union to exercise any of the powers of a federally chartered credit union, his grant shall be presumed to have reference to the powers granted by federal statute as of April 1, 1979, to a federal credit union doing business in Washington. To the extent that powers granted under federal statute have been limited or modified by decisions of federal courts, or by regulations promulgated by the National Credit Union Administration, either before or after April 1, 1979, such limitations and modifications shall likewise operate to limit or modify the extent to

which a state chartered credit union may exercise the same powers. However, the supervisor may in writing modify the effect of a federal regulation to the extent he finds that such a modification would serve the convenience and advantage of credit union members and maintain the quality of competition between state chartered credit unions and federally chartered credit union.

#### NEW SECTION

WAC 419-48-051 LOANS TO MEMBERS. To the extent the supervisor permits under this chapter, a credit union may make loans to its members upon the same terms and conditions as a federally chartered credit union may make loans to its members under federal law.

#### NEW SECTION

WAC 419-48-052 SELF-REPLENISHING LINE OF CREDIT. To the extent the supervisor permits under this chapter, a credit union may offer self-replenishing line of credit to a borrower to the same extent such a line of credit could be offered to a borrower by a federally chartered credit union.

#### NEW SECTION

WAC 419-48-053 LOANS TO OTHER CREDIT UNIONS. To the extent the supervisor permits under this chapter, a credit union may make loans to other credit unions to the same extent such loans could be made by federally chartered credit unions.

#### NEW SECTION

WAC 419-48-054 LOANS TO CREDIT UNION ORGANIZATIONS. To the extent the supervisor permits under this chapter, a credit union may make loans to credit union organizations to the extent such loans could be made by a federally chartered credit union in this state. This section shall not be construed as authority for the creation or operation of a credit union organization.

#### NEW SECTION

WAC 419-48-055 PARTICIPATION LOANS. To the extent the supervisor permits under this chapter, a credit union may enter into participation loans with other credit unions, credit union organizations, or financial organizations to the same extent permitted to federally chartered credit unions.

#### NEW SECTION

WAC 419-48-060 RECEIPT OF PAYMENTS ON SHARES FROM MEMBERS AND NON-MEMBER GOVERNMENTAL UNITS. To the extent the supervisor permits under this chapter, a credit union may receive payments on shares and payments on share certificates from members or non-member governmental units on the same terms such payments could be received on April 1, 1979, by federally chartered credit unions.

NEW SECTION

WAC 419-48-070 INVESTMENTS. Any credit union wishing to make an investment not specifically permitted by chapter 31.12 RCW, may apply for permission to make further investments under chapter 419-36, Washington Administrative Code. Alternatively, the supervisor may grant specific investment powers to a credit union to the extent such powers are enjoyed by federally chartered credit unions, pursuant to this chapter.

NEW SECTION

WAC 419-48-080 DEPOSITS. To the extent the supervisor permits under this chapter, a credit union may make deposits in banks and other financial institutions to the extent such deposits may be made by federally chartered credit unions.

NEW SECTION

WAC 419-48-090 BORROWING BY A CREDIT UNION. To the extent the supervisor permits under this chapter, a credit union may borrow from any source to the extent a federally chartered credit union can borrow.

NEW SECTION

WAC 419-48-100 LEVYING OF LATE CHARGES. To the extent the supervisor permits under this chapter, a credit union may levy late charges on its members to the extent such charges can be levied by federally chartered credit unions.

NEW SECTION

WAC 419-48-110 LIEN ON SHARES AND DIVIDENDS. To the extent the supervisor permits under this chapter, a credit union can impress and enforce a lien upon the shares and dividends of any member, to the extent such a lien can be impressed and enforced by a federally chartered credit union.

NEW SECTION

WAC 419-48-120 CHECK SELLING AND CASHING. To the extent the supervisor permits under this chapter, a credit union may sell to members negotiable checks (including travelers checks) and money orders, and may cash checks and money orders for members, to the extent such powers are granted to federally chartered credit unions.

NEW SECTION

WAC 419-48-130 PURCHASE OF OBLIGATIONS. To the extent the supervisor permits under this chapter, a credit union may purchase, sell, pledge, or discount or otherwise receive or dispose of, in whole or in part, any eligible obligations of its members and may purchase from any liquidating credit union notes made by individual members of the liquidating credit union, to the extent such powers are granted to federally chartered credit unions.

NEW SECTION

WAC 419-48-140 SALE AND PURCHASE OF ASSETS. To the extent the supervisor permits under this chapter, a credit union may sell all or part of its assets to another credit union, purchase all or part of the assets of another credit union and assume the liabilities of the selling credit union and its members, to the extent such powers are granted to federally chartered credit unions.

NEW SECTION

WAC 419-48-150 OTHER FEDERAL CREDIT UNION POWERS. If a credit union wishes to exercise any power exercised by federally chartered credit unions in this state, but not specifically mentioned in this chapter, the credit union may apply pursuant to this chapter to exercise the power, describing the power and supplying the supervisor with citations to federal and state law, and with legal memoranda if appropriate, showing that the power is in fact granted to federally chartered credit unions in Washington and that its exercise would not be contrary to state law. Such an application may be granted, modified or denied on the same grounds as any other application made under this chapter may be acted upon.

**WSR 79-10-044**

**ADOPTED RULES**

**FORT STEILACOOM COMMUNITY COLLEGE**

[Order 39—Filed September 13, 1979]

I, Dr. Robert H. Stauffer, College President, of the Community College District Number Eleven, Fort Steilacoom Community College, do promulgate and adopt at P 12 Board Room, Fort Steilacoom Community College, 9401 Farwest Drive, Tacoma, WA 98498, the annexed rules relating to notice of intent to withhold services and/or offset wages for outstanding debts, chapter 132K-300 WAC.

This action is taken pursuant to Notice No. WSR 79-08-026. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50-.140 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 11, 1979.

By Dr. Robert H. Stauffer  
College President

**CHAPTER WAC 132K-300**

**NOTICE OF INTENT TO WITHHOLD SERVICES AND/OR OFFSET WAGES FOR OUTSTANDING DEBTS COMMUNITY COLLEGE DISTRICT NO.**

11

Fort Steilacoom Community College

NEW SECTION

**WAC 132K-300-010 POLICY.** If any person, including faculty, staff, student, or former student, be indebted to the institution for an outstanding overdue debt, the institution shall not provide any further services of any kind to such individual, including but not limited to transmitting files, records, transcripts, or other services which have been requested by any such person. Further, if the person is an employee of the institution, the institution shall have the right to offset such outstanding debts against wages owed to the employee.

NEW SECTION

**WAC 132K-300-020 NOTIFICATION.** Upon receipt of such a request for services where there is an outstanding debt due the institution from that person, the institution shall notify the person by registered mail addressed to his last known mailing address, that the services will not be provided since there is an outstanding debt due the institution and, further, that until that debt is paid in full or arrangements are made to pay the debt over time, no such services as are requested will be provided the individual. If the outstanding debt is due the institution from an employee, the institution shall notify the employee by registered mail addressed to his last known address of the debt owed to the institution, the basis of the debt, and the intent to offset it against the wages or other payments due the employee.

NEW SECTION

**WAC 132K-300-030 INFORMAL HEARING NOTIFICATION.** The letter of notification contained in WAC 132K-300-020 shall also notify the individual that he has a right to a hearing before the dean of administrative services or a person designated by the president of the institution for the purpose of determining whether the individual is in fact indebted to the institution as alleged in the notice of intent to withhold services and/or offset wages for outstanding debts. The letter shall also indicate that the request for the hearing must be made within twenty days from the date of receipt of said letter.

NEW SECTION

**WAC 132K-300-040 PROCEDURE FOR INFORMAL HEARING.** Upon receipt of a timely request for a hearing, the dean of administrative services or the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold an informal hearing concerning whether the individual in fact owes any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether in fact the institution is correct in withholding services and/or wages for outstanding debt, and if the outstanding debt is in fact owed by the individual involved, no services shall be provided and, if an

employee, the debt will be offset against wages owed to the individual. Notification of this shall be sent to the individual within five days after the hearing. Said decision shall constitute an informal proceeding established by the institution pursuant to the Higher Education Administrative Procedures Act as defined in RCW 28B.19.110.

**WSR 79-10-045****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-82—Filed September 14, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is areas 6B and 9 and the Stillaguamish, Snohomish, and Skokomish rivers are closed to protect naturally spawning coho. The Skagit River below the Old Faber Ferry Landing is closed to protect naturally spawning coho. The Skagit above the Old Faber Ferry Landing is closed to protect spawning chinook and coho salmon. Area 12C closures are to protect milling chinook in front of Hoodspout Hatchery and Dewatto Bay, and naturally spawning coho bound for the Skokomish River and tributaries entering 12C and 12D.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 14, 1979.

By Gordon Sandison  
Director

NEW SECTION

**WAC 220-28-006B0M CLOSED AREA** Effective immediately through October 6, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 6B.

NEW SECTION

WAC 220-28-008F0S **CLOSED AREA** (1) Effective immediately through October 20, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in that portion of the Skagit River downstream from the mouth of Gilligan Creek.

(2)(a) Effective immediately through September 17, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Skagit River between the mouth of Gilligan Creek and the Old Faber Ferry Landing above Concrete with net gear having a mesh size greater than 6 inches.

(b) Effective September 18 through October 20, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from those waters of the Skagit River between the mouth of Gilligan Creek and the Old Faber Ferry Landing above Concrete.

(3) Effective immediately through December 31, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from those waters of the Skagit River upstream from the Old Faber Ferry Landing above Concrete, including all tributaries.

NEW SECTION

WAC 220-28-G0D **CLOSED AREA** Effective September 16 through October 20, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Snohomish River.

NEW SECTION

WAC 220-28-008H0E **CLOSED AREA** Effective September 16 through October 20, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Stillaguamish River.

NEW SECTION

WAC 220-28-00900G **CLOSED AREA** Effective immediately through October 6, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 9.

NEW SECTION

WAC 220-28-012C0L **CLOSED AREAS** Effective immediately and until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from those waters of Puget Sound

Salmon Management and Catch Reporting Area 12C listed below:

(a) Those waters within 1,000 feet of the western shore of Hood Canal between the Hoodsport Marina Dock and Warfield Trailer Park.

(b) Those waters 1/4 mile offshore from a line connecting the outermost points at the mouth of Dewatto Bay and Dewatto Bay.

(c) Those waters south of a line projected from the Lake Cushman powerhouse to Ayres Point.

NEW SECTION

WAC 220-28-012F0C **CLOSED AREA** Effective September 16 through November 3, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Skokomish River.

REPEALER

The following sections of the Washington Administrative code are repealed:

WAC 220-28-006B0L **CLOSED AREA** (79-48)  
 WAC 220-28-008F0R **MESH RESTRICTION—  
 CLOSED AREA** (79-76)  
 WAC 220-28-00900F **CLOSED AREA** (79-48)  
 WAC 220-28-012C0K **CLOSED AREA** (79-76)  
 effective September 16, 1979:

WAC 220-28-008G0C **MESH  
 RESTRICTION** (79-56)  
 WAC 220-28-008H0D **MESH  
 RESTRICTION** (79-56)  
 WAC 220-28-012F0B **CLOSED AREA** (79-64)

**WSR 79-10-046  
 EMERGENCY RULES  
 DEPARTMENT OF FISHERIES  
 [Order 79-83—Filed September 14, 1979]**

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal-use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is consistent with Oregon personal-use regulations in concurrent waters of the Columbia River.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 14, 1979.  
By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-56-06300E PERSONAL-USE SEASON AND BAG LIMIT** (1) Notwithstanding the provisions of WAC 220-56-063, effective immediately until further notice, it shall be unlawful to take, fish for or possess salmon for personal use from the waters of Grays Harbor, that portion of the Columbia River downstream from a line projected true north and south through Buoy 10 at the mouth of the Columbia River, in those waters west of Koitlah Point, and in the state waters of the Pacific Ocean.

(2) Effective September 16, 1979 until further notice, the bag limit in those waters of the Columbia River downstream from the Megler-Astoria Bridge to Buoy 10 shall be Bag Limit A.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-56-06300D CLOSED SEASONS—PERSONAL USE** (79-72)

**WSR 79-10-047**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 79-84—Filed September 14, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is test fishing shows that chinook salmon have cleared these areas and harvestable coho are present.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 14, 1979.  
By Gordon Sandison  
Director

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 220-28-011A0H CLOSED AREA** (79-76)  
**WAC 220-28-011F0G CLOSED AREA** (79-76)

**WSR 79-10-048**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 79-85—Filed September 15, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an abundance of hatchery return makes this additional protected area unnecessary.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 15, 1979.  
By Gordon Sandison  
Director

#### NEW SECTION

**WAC 220-32-05800D RIVER MOUTH CLOSURE** Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-058, effective 12:00 noon September 16 through 12:00 noon September 18, 1979, it shall be lawful for those individuals possessing fishing rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties to take, fish for and possess salmon for commercial purposes in that portion of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Tunnel Number Five Point located approximately 1.8 miles west



of Spring Creek Fishway to a boundary marker approximately 1/4 mile east of Spring Creek Fishway except in that portion 300 feet offshore between a line projected from a boundary marker 300 feet east of the hatchery fish ladder perpendicular to the thread of the stream and a line projected from a boundary marker 300 feet west of the hatchery fish ladder perpendicular to the thread of the stream.

### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-32-05800C RIVER MOUTH CLOSURE (79-79)**

### **WSR 79-10-049**

#### **EMERGENCY RULES**

#### **BELLEVUE COMMUNITY COLLEGE**

[Order 66, Resolution 123—Filed September 17, 1979]

Be it resolved by the board of trustees of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to tuition and fee waivers for Bellevue Community College annually contracted faculty, amending WAC 132H-160-094.

We, the Board of Trustees of Bellevue Community College, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is in order to provide the opportunity for the college's annually contracted faculty to enroll in fall quarter classes it is necessary to pass this as an emergency rule at this time.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Bellevue Community College, Community College District VIII, as authorized in RCW 28B.50.140.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 11, 1979.

By Thomas E. O'Connell  
Secretary

### NEW SECTION

**WAC 132H-160-094 TUITION AND FEE WAIVERS FOR BELLEVUE COMMUNITY COLLEGE ANNUALLY-CONTRACTED FACULTY.**

Pursuant to the authority granted by Chapter 82, Laws of 1979, Bellevue Community College is authorized to and may waive tuition, operating and services and activities fees for annually-contracted faculty enrolled in courses at the college under the following conditions: (1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college. Employee registration for classes shall follow the last regularly scheduled non-matriculated student registration.

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section.

(3) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations.

(4) Computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(5) Employees enrolling on a space-available basis shall be charged a registration fee of five dollars per class plus any lab fees that may be associated with the class.

(6) The college may enroll full-time cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off campus and their work station is situated within College District VIII.

(7) For the purpose of this rule, annually-contracted faculty shall be defined as:

(a) Those annually-contracted faculty paid on the full-time faculty schedule.

(8) Community Service courses and all non-credit workshops and seminars, because they are on a self-support basis, shall not be eligible for tuition waivers. An assessment of demand for and financial impact of tuition and fee waivers shall be made this year to determine the feasibility of implementation for those programs. Exceptions may then be possible for some workshops and those will be individually advertised to the college community.

### **WSR 79-10-050**

#### **ADOPTED RULES**

#### **BELLEVUE COMMUNITY COLLEGE**

[Order 65, Resolution 122—Filed September 17, 1979]

Be it resolved by the board of trustees, of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed

rules relating to bylaws and standing orders of Community College District VIII, amending WAC 132H-105-040.

This action is taken pursuant to Notice No. WSR 79-08-114 filed with the code reviser on 7/31/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Bellevue Community College, Community College District VIII, as authorized in RCW 28B.50.140.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 14, 1979.

By Thomas E. O'Connell  
Secretary

AMENDATORY SECTION (Amending Order No. 61, filed 9/13/78)

WAC 132H-105-040 AGENDA. (1) Preparation of Information. Information and materials pertinent to the agenda of all regular meetings of the Board should when possible be sent to Trustees prior to each meeting. Persons wishing to recommend items for the agenda or present any matters of business or correspondence shall notify the Secretary of the Board, in writing, by 12 noon, five days prior to the meeting at which they desire to have the item considered. The Chairman shall determine whether or not an item is placed on the agenda. The Chairman will notify all other Board members if he rejects an item suggested to be placed on the agenda. The Chairman or Secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in his judgment the matter is of importance.

Reports to the Board will include provision for reports by students, faculty and classified employees.

All materials to be considered by the Board must be submitted in sufficient quantities to provide each member of the Board and the Secretary with appropriate copies.

(2) Order of the Agenda. The order of the agenda governing all regular meetings of the Board of Trustees of Community College District VIII shall be as follows:

- (a) Roll Call
- (b) Approval of Previous Minutes
- (c) Executive Session
- (d) Recommendations for Action of the Board
- (e) ~~((Reports to the Board))~~ Future Action Items
- (f) ~~((Information Items))~~ Reports to the Board
- (g) ~~((Other Business))~~ Information Items
- (h) ~~((Adjournment))~~ Other Business
- (i) Adjournment

The order of the agenda may be changed by the Chairman with the consent of a majority of the Board members present.

The Chairman shall announce at the beginning of each meeting that members of the audience may speak

to any item on the agenda at the time of its presentation. The Chairman shall have the right to limit the length of time used by ~~((a speaker))~~ speakers for the discussion of any subject.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-051**

**ADOPTED RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Order 64, Resolution 121—Filed September 17, 1979]

Be it resolved by the board of trustees of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to fees relating to special facility rental and additional services for Community College District VIII, amending WAC 132H-140-010 through 132H-140-060.

This action is taken pursuant to Notice No. WSR 79-08-108 filed with the code reviser on 7/30/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Bellevue Community College, Community College District VIII, as authorized in RCW 28B.50.140.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 14, 1979.

By Thomas E. O'Connell  
Secretary

**Chapter 132H-140**

**FEES RELATING TO ~~((SPECIAL))~~ FACILITY RENTAL AND ADDITIONAL SERVICES FOR COMMUNITY COLLEGE DISTRICT VIII**

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-010 TITLE. WAC 132H-140-010 through WAC 132H-140-060 will be known as Fees Relating to ~~((Special))~~ Facility Rental and Additional Services for Community College District VIII.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-020 STATEMENT OF PURPOSE. The purpose of these regulations is to establish a basic ~~((special))~~ facility fee structure and additional services regulations for non-college groups and for college groups where applicable.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-030 REQUEST FOR USE OF FACILITIES ((AND ADDITIONAL SERVICES)). Requests by non-college groups for utilization of ((special)) college facilities shall be made to the ((Director of Plant Operations,)) Director of Campus Operations and Services who shall be the agent of the college in consummating rental agreements. (((1) Application for Use of College Facilities Form BCC-040-035 )) Application for Use of College Facilities Form BCC 040-026 is to be completed by non-college groups requesting facilities or college groups which use facilities under circumstances where a service charge would be levied.

(((2) Request for Optional Service Form BCC-040-035 to be completed by non-college group using facilities and additional services.))

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-040 BASIC FACILITY FEE STRUCTURE. Non-college groups and college groups where applicable shall be charged according to the following facility fee structure((:)). All rates are for a minimum four hour period with charges being prorated for additional hours. (((1) Gymnasium

(a) \$50 basic minimum rate for up to four (4) hours usage.

(b) Additional \$15 rate for each continuous hours usage above the minimum.

(2) Athletic Fields

(a) \$50 basic minimum rate for up to four (4) hours usage.

(b) Additional \$10 rate for each continuous hours usage above the minimum.

(3) Exercise Room

(a) \$20 basic minimum rate for up to four (4) hours usage.

(b) Additional \$10 rate for each continuous hours usage above the minimum.

(4) Theater

(a) Groups not charging admission = \$30 basic minimum rate for up to four (4) hours usage.

(b) Groups charging admission = \$60 basic minimum rate for each day's usage.

(c) Additional \$10 rate for each continuous hours usage above the minimum.

(5) Cafeteria

(a) \$50 basic minimum rate for up to four (4) hours usage.

(b) Additional \$15 rate for each continuous hours usage above the minimum.

(6) Garden Room

(a) \$15 basic minimum rate for up to four (4) hours usage.

(b) Additional \$5 rate for each continuous hours usage above the minimum.

(7) Student Den or Student Lounge

(a) \$25 basic minimum rate for up to four (4) hours usage.

(b) Additional \$7 rate for each continuous hours usage above the minimum.

(8) Small Meeting Rooms, Classrooms, Seminar-Conference, Music and Theater Service Rooms.

(a) \$10 basic minimum rate for up to four (4) hours usage.

(b) Additional \$4 rate for each continuous hours usage above the minimum.

(9) Large Meeting Rooms, Classrooms, Music and Theater Service Rooms and Lecture Halls.

(a) \$20 basic minimum rate for up to four (4) hours usage.

(b) Additional \$5 rate for each continuous hours usage above the minimum.

(10) Planetarium

(a) \$30 basic minimum rate for up to four (4) hours usage.

(b) Additional \$10 rate for each continuous hours usage above the minimum.))

(1) Theatre	\$100.00
(2) Gymnasium	100.00
(3) Cafeteria	75.00
(4) Athletic fields	60.00
(5) Exercise Room	25.00
(6) Theatre service rooms	
E129, E101, E102, Lobby	25.00
(7) Garden Room	25.00
(8) Continental Room	25.00
(9) Matrix	25.00
(10) Planetarium	25.00
(11) Classrooms - over 50	25.00
(12) Classrooms - under 50	15.00

In cases where income from an event exceeds \$250.00 a 10% of the gross will be charged.

Reviser's Note: WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-050 ADDITIONAL SERVICE FEES. ((Non-college groups shall be charged fees for additional service. These fees to be assessed by the Plant Operations Office (Scheduling Office). Additional services include the following. (1) Unusual preparatory and/or maintenance service. See Request for Optional Services Form BCC-040-035.

(2) Audiovisual services and equipment. See Request for Optional Services Form BCC-040-035.

(3) Special setups of tables and chairs, music equipment, etc. See Request for Optional Services Form BCC-040-035.

(4) Operation of concessions by a non-college group.

(5) Towels and locker fees.

(6) Managers, security, custodial and other staff may be required for the use of specialized facilities, and the group utilizing the facility will be charged for this service above the rental fee at the current hourly rate.

~~(7) In those cases where income from an event is over \$250, a percentage will be assessed of the total income in addition to the basic minimum rate. Such arrangements will be handled by the Plant Operations Office (Scheduling Office).)~~

Non-college and college groups may be charged fees for additional services or equipment. These fees are to be assessed by the Campus Operations and Services Office (Scheduling Office) in conjunction with special area managers. These service or equipment fees shall be recorded on the Application For Use Of Facilities form BCC 040-026. Additional services and equipment include the following:

- (1) Custodial
- (2) Maintenance
- (3) Audiovisual services and/or equipment
- (4) Music equipment
- (5) Managers or technicians
- (6) Security
- (7) Other equipment

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)

WAC 132H-140-060 EXCEPTIONS. (~~The basic special facility fee structure and request for additional~~

~~services applies to all non-college groups with the following exceptions. (1) Non-college groups with whom Bellevue Community College has specific reciprocal facility agreements, non-profit community service groups, or as herein specified.~~

~~(2) The special facilities fee rate may not be charged if the non-college group has contracted for college food service in the cafeteria complex.)~~

The following activities may be exempt from facility rental fee but not necessarily from service or equipment fees.

- (1) Sponsored by the college.
- (2) Sponsored by state, county or city agencies.
- (3) Educational public service meetings or gatherings and are open to the general public with no monies being involved.
- (4) Group has contracted for catering in the cafeteria area.

AMENDATORY SECTION (Amending Order No. 28, filed 3/4/75)



3000 Landerholm Circle S.E., Bellevue, Washington 98007

<b>APPLICATION FOR USE OF COLLEGE FACILITIES</b>	Application No.
Complete <b>in full</b> and return <b>all</b> copies to Plant Operations.	Acct. Control No.

<b>APPLICANT</b>	Organization _____	Phone _____
	Address _____	Phone _____
	Person in Charge _____	Phone _____
	Address _____	Phone _____

<b>PROGRAM</b>	Nature or Purpose of Function	
	Lecturer and Subject Matter	Anticipated Attendance
	Will there be Admission/Tuition/Donation Specify Amount	Use of Proceeds

<b>TIME</b>	Day(s) and Date(s)	Program Start - Finish _____
	Day(s) and Date(s)	Unlock Time for Set-up

<b>FACILITY</b>	Facility Requested	
	Special Set-up	Catering Requested
	AV Equipment	

<b>AGREEMENT</b>	The undersigned hereby certifies that the information given in the application is correct. The applicant agrees to observe all rules and regulations of the college and to exercise the utmost care in the use of the school premises and property. The applicant also agrees to hold Bellevue Community College harmless from all liability resulting from the use of said facilities. The applicant further agrees to reimburse Bellevue Community College for any damage arising from the applicant's use of said facilities and will accept the college's estimate of damage.	
	Applicant's Signature _____	Date _____

<b>APPROVAL</b>	Dept. Head	<b>CHARGES</b>			
	Director of Plant Operations				
	Date				
		Total			

**REPEALER**

The following section of Fees Relating to Special Facility Rental and Additional Services for Community College District VIII is repealed.

- (1) Form BCC 040-035.

**WSR 79-10-052****ADOPTED RULES****BELLEVUE COMMUNITY COLLEGE**

[Order 63, Resolution 120—Filed September 17, 1979]

Be it resolved by the board of trustees of the Bellevue Community College, Community College District VIII, acting at 3000 Landerholm Circle S.E., Bellevue, WA 98007, that it does promulgate and adopt the annexed rules relating to traffic and parking regulations for Community College District VIII, amending WAC 132H-116-350, 132H-116-490, 132H-116-510, 132H-116-620, 132H-116-670, 132H-116-740 and 132H-116-810.

This action is taken pursuant to Notice No. WSR 79-08-109 filed with the code reviser on 7/30/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Bellevue Community College, Community College District VIII as authorized in RCW 28B.50.140.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 14, 1979.

By Thomas E. O'Connell  
Secretary

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-350 PERMITS REQUIRED FOR VEHICLES ON CAMPUS.** No person shall drive any vehicle, nor shall any person stop, park, or leave any vehicle, whether attended or unattended, upon the campus of Bellevue Community College without a permit issued by the Security Division, Cashier or Registration offices. (~~Applications for parking permits are available at the Security Division, Cashier or Registration offices.~~) Permission to park on campus will be shown by display of a valid permit. (1) A valid permit is:

(a) A current vehicle permit and area designator (~~properly registered and~~) displayed in accordance with instructions. (See WAC 132H-116-580[132H-116-280].)

(b) A temporary permit authorized by the Security Division and displayed in accordance with instructions (~~shown on permit~~).

(c) A parking permit issued by a gate attendant. This permit must be displayed on the vehicle in accordance with instructions shown on permit.

(d) A parking permit dispensed by machine at Bellevue Community College and displayed in accordance with instructions shown on permit.

(2) Parking permits are not transferable, except as provided in WAC 132H-116-530.

(3) The college reserves the right to refuse the issuance of a parking permit.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-490 ALLOCATION OF PARKING SPACE AND PRIORITIES OF APPLICANTS.** The parking space available on the campus shall be allocated by the (~~Director of Plant Operations~~) Director of Campus Operations and Services among applicants for permits in such manner as will best obtain the objectives of these regulations. The (~~Director of Plant Operations~~) Director of Campus Operations and Services is further authorized to designate and mark the various parking areas on the campus with numbers or titles or both by posting of signs in those areas.

Students, staff and faculty may obtain daytime and/or evening parking on campus to the extent spaces are available as follows: (1) Student daytime parking is limited to areas designated Student Parking.

(2) Staff/Faculty daytime parking is limited to areas designated Staff/Faculty Parking.

(3) Evening parking, after 3:30 p.m., for students, staff and faculty is available in all designated parking areas with the exceptions of the (~~visitor parking lot; disabled~~) parking (~~lot~~) spaces for the handicapped and the college motor pool parking lot.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-510 SPECIAL PERMITS.** (1) Physically handicapped faculty members, staff personnel and students may apply through the Security Office for a special parking permit in a reserved area. Such individuals must obtain a certificate from a physician indicating that special parking assignment is essential in order for them to perform their assigned duties or to attend classes.

(2) (~~Temporary employees~~) Salespersons, maintenance and service personnel, persons serving the college without pay, and other visitors who must frequently visit the campus on college business, may be issued a parking permit from the Security Division, upon request of the division benefiting from the services provided, subject to approval by the (~~Director of Plant Operations~~) Director of Campus Operations and Services. Parking on campus will not be provided to persons intending to make personal solicitations from or personal sales to college employees or students.

(3) The Security Division Supervisor will assist college divisions which sponsor functions such as conferences, seminars, dinners and similar events, in arranging reserved parking and direction signs as needed. Notification must be received 48 hours in advance by the Security Division Supervisor.

(4) Overnight or extended period permits may be obtained from the Security Office for disabled vehicles, field trips or other valid reason that may necessitate the operator leaving the vehicle on the Bellevue Community College Campus.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-520 PERMIT REVOCATIONS. Permits are licenses and the property of the college, and may be recalled for any of the following reasons: (1) When the purpose for which the permit was issued changes or no longer exists.

(2) When a permit is used ~~((on an unregistered vehicle or))~~ by an unauthorized individual.

(3) Falsification on a second car parking permit application.

(4) Continued violations of parking regulations.

(5) Counterfeiting or altering of permits.

(6) Failure to comply with a final decision of the Citation Review Committee.

(7) Appeals of permit revocations may be made to the Institutional Hearing Officer. Appeal must be filed within ~~((seven (7)))~~ fifteen (15) days of revocation.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-540 SECOND CAR PERMITS. ~~((Faculty, staff and students may be issued a second car permit for another personally owned or family owned vehicle at the fee listed in the schedule of fees:))~~

Faculty, staff and students may be issued a second car permit for another vehicle either personally owned, family owned, or owned by their employer at the fee listed in the schedule of fees.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-542 TEMPORARY PERMIT. Any permit holder may obtain a temporary permit at the Security ~~((Division))~~ office without charge for ~~((an unregistered))~~ another vehicle when the ~~((registered))~~ vehicle ~~((is))~~ for which a permit was purchased is unavailable due to repair or for another valid reason. These permits are good for a period of two weeks only and may not be renewed.

AMENDATORY SECTION (Amending Order No. 43, filed 8/10/76)

WAC 132H-116-570 RESPONSIBILITY OF PERSON TO WHOM PERMIT ISSUED. The person to whom a permit is issued pursuant to these regulations shall be responsible for all parking violations of these rules and regulations involving the vehicle ~~((for))~~ on which the permit was ~~((issued and to which it was affixed))~~ displayed provided, however, that such responsibility shall not relieve other persons who violate these rules and regulations.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order No. 54, filed 12/9/77)

WAC 132H-116-620 FINES. The fines to be assessed for violations of these regulations shall be detailed in WAC 132H-116-890. (1) Fines - Payment

(a) Persons cited for violation of these regulations may respond either by filing a written appeal as detailed in WAC 132H-116-630 or by forfeiting a fine within fifteen (15) days of receipt of the citation.

(b) All fines are payable to the Bellevue Community College Cashier. Fines may be paid by mail by sending the citation and amount of fine to the Bellevue Community College Cashier.

~~((c) Fines for permit violations and all other parking violations will be reduced to \$1.00 if paid within 48 hours, (excluding weekends and holidays) payable to the cashier in the college registration office:))~~

(2) Fines - Unpaid

(a) If any citation remains unpaid after fifteen (15) days, ~~((a letter will be sent to the violator stating that if the citation remains unpaid for an additional five (5) days;))~~ the following action ~~((may))~~ shall be taken by Bellevue Community College:

~~((i) A hold may be placed on transcripts:))~~

~~((ii) ((A delay of registration)) Registration for the following quarter(:)) shall be delayed.~~

~~((iii) The college shall consider ((impound)) impounding violator's vehicle.~~

~~((iv) Faculty, students and staff will be unable to purchase parking permits unless outstanding tickets are paid.~~

~~((b) If a violator has three (3) unpaid citations, a letter will be sent notifying the violator that the violator's vehicle will be impounded and held until all outstanding fines less than one year old are paid:))~~

~~((c))~~ (b) These procedures will be applicable to all students, faculty and staff members receiving citations for violation of these regulations.

(3) Excessive citations

(a) The Citation Review Committee may review the parking privileges of students, faculty and staff acquiring an excessive ~~((amount))~~ number of citations and may take action as the circumstances warrant.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule



published above varies from its predecessor in certain respects not indicated by the use of these markings.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-670 ELECTION TO FORFEIT OR CONTEST.** The summons or parking/traffic violation notice issued pursuant to WAC 132H-116-660 of these regulations shall direct the alleged violator that he/she may elect either to forfeit the fine applicable to the violation(s) charged or to appeal the matter(s) to the Citation Review Committee. (1) If the alleged violator chooses to forfeit the fine(s), he/she may do so by paying directly to the Bellevue Community College cashier or by mail, forwarding the appropriate amount by check or money order to Bellevue Community College, attention cashier. This shall be accomplished within 15 days of the date of citation. Such forfeiture shall constitute a waiver of the right to an appeal.

(2) If the alleged violator chooses to contest, a written appeal will be filed with the ~~((Chairperson))~~ Chairman of the Citation Review Committee, through the ~~Dean ((of Student Services))~~ for Student Services and Development. Appeals must be submitted without posting of the fine within ~~((seven-(7)))~~ fifteen (15) days after date of citation.

(3) Failure of an alleged violator to appear before the Citation Review Committee on the date set or to apply for a continuance of the Review date shall, unless extenuating circumstances are shown, constitute an admission of guilt to the complaint and such penalty or fine may be imposed by the Citation Review Committee as is appropriate under the schedule of fines established pursuant to WAC 132H-116-620.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-740 IMPOUNDING OF VEHICLES.** Any vehicle parked upon state lands devoted mainly to the educational, recreational, or parking activities of Bellevue Community College in violation of these regulations, including the motor vehicle and other traffic laws of the state of Washington and the traffic code of the city of Bellevue as incorporated in WAC 132H-116-320 may be impounded or immobilized and taken to such place for storage as the Campus Security/Safety Supervisor selects. The expense of such impounding and storage, ~~((as well as unpaid traffic and parking fines))~~ shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such immobilization, impounding and/or storage. (1) Impounding of vehicles shall include but not be limited to the following:

- (a) Blocking roadway which blocks the flow of traffic.

- (b) Blocking walkway which impedes the flow of pedestrian traffic.

- (c) Blocking a fire hydrant or fire lane.

- (d) Safety hazard (danger to life, limb or property).

- (e) Any violator who has ~~((three-(3)))~~ two (2) or more unpaid citations, as provided in WAC 132H-116-620 or these regulations.

- (f) Blocking another legally parked car.

- (g) Parked in a marked tow-away zone.

**Reviser's Note:** WAC 1-13-130 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**AMENDATORY SECTION** (Amending Order No. 43, filed 8/10/76)

**WAC 132H-116-810 PARKING AND TRAFFIC FINES SCHEDULE.** Parking and Traffic fines shall be charged for offenses as indicated in the following fines schedule.

(1) Permit not displayed .....	<del>((5-3.00))</del> \$ 5.00
(2) Occupying more than one space .....	<del>((3.00))</del> 5.00
(3) Occupying space not designated for parking .....	<del>((3.00))</del> 5.00
(4) Failure to set brakes .....	<del>((3.00))</del> 5.00
(5) Failure to remove keys from ignition .....	<del>((3.00))</del> 5.00
(6) Parking in area not authorized .....	<del>((3.00))</del> 5.00
(7) Overtime parking .....	<del>((3.00))</del> 5.00
(8) Parking in reserved stall .....	<del>((3.00))</del> 5.00
(9) Blocking Traffic .....	<del>((3.00))</del> 5.00
(10) Parking adjacent to fire hydrant .....	<del>((3.00))</del> 5.00
(11) Parking in fire lane .....	<del>((3.00))</del> 5.00
(12) Parking in zone or area marked "NO PARKING" .....	<del>((3.00))</del> 5.00
(13) Impound or immobilization .....	<del>((3.00))</del> 5.00
(14) Failure to yield right of way .....	<del>((5.00))</del> 10.00
(15) Failure to stop - sign/signal .....	<del>((5.00))</del> 10.00
(16) Speeding .....	<del>((10.00))</del> 20.00
(17) Reckless or negligent driving .....	<del>((15.00))</del> 30.00
(18) Other violations of the college Parking and Traffic Regulations and its objectives .....	<del>((3.00))</del> 5.00

**WSR 79-10-053**

**PROPOSED RULES**

**BELLEVUE COMMUNITY COLLEGE**

[Filed September 17, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning tuition and fee waivers for Bellevue Community College annually-contracted faculty, new section WAC 132H-160-094;

that such institution will at 1:30 p.m., Tuesday, November 6, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, November 6, 1979, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to November 6, 1979, and/or orally at

1:30 p.m., Tuesday, November 6, 1979, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: September 14, 1979  
By: Thomas E. O'Connell  
Secretary

**NEW SECTION**

**WAC 132H-160-094 TUITION AND FEE WAIVERS FOR BELLEVUE COMMUNITY COLLEGE ANNUALLY-CONTRACTED FACULTY.** Pursuant to the authority granted by Chapter 82, Laws of 1979, Bellevue Community College is authorized to and may waive tuition, operating and services and activities fees for annually-contracted faculty enrolled in courses at the college under the following conditions: (1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college. Employee registration for classes shall follow the last regularly scheduled non-matriculated student registration.

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section.

(3) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations.

(4) Computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(5) Employees enrolling on a space-available basis shall be charged a registration fee of five dollars per class plus any lab fees that may be associated with the class.

(6) The college may enroll full-time cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off campus and their work station is situated within College District VIII.

(7) For the purpose of this rule, annually-contracted faculty shall be defined as:

(a) Those annually-contracted faculty paid on the full-time faculty schedule.

(8) Community Service courses and all non-credit workshops and seminars, because they are on a self-support basis, shall not be eligible for tuition waivers. An assessment of demand for and financial impact of tuition and fee waivers shall be made this year to determine the feasibility of implementation for those programs. Exceptions may then be possible for some workshops and those will be individually advertised to the college community.

**WSR 79-10-054**

**PROPOSED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Filed September 17, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-04-020 Definitions.
- Amd WAC 251-14-005 Purpose.
- Amd WAC 251-14-030 Determination of bargaining unit.
- Amd WAC 251-14-042 Disclaimer of interest petition—Decertification as exclusive representative.
- Amd WAC 251-14-050 Petition for decertification of exclusive representative.
- Amd WAC 251-14-057 Election validity—Objections.
- Amd WAC 251-14-060 Contents of written agreements.

- Amd WAC 251-14-070 Unfair labor practices—Management—Employee organizations.
- Amd WAC 251-14-080 Unfair labor practices—Powers of board—Procedure.
- Amd WAC 251-14-090 Unfair labor practice—Hearings;

that such agency will at 10:00 a.m., Thursday, October 18, 1979, in the Board Room, Administration Building, Columbia Basin College, Pasco, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, October 18, 1979, in the Board Room, Administration Building, Columbia Basin College, Pasco, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 18, 1979, and/or orally at 10:00 a.m., Thursday, October 18, 1979, Columbia Basin Community College, Pasco, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-08-119 filed with the code reviser's office on July 31, 1979.

Dated: September 14, 1979

By: Douglas E. Sayan  
Director

**WSR 79-10-055**

**ADOPTED RULES**

**HIGHER EDUCATION PERSONNEL BOARD**

[Order 80—Filed September 17, 1979]

Be it resolved by the Higher Education Personnel Board, acting at Yakima Valley College, Yakima, Washington, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 251-22-124 Sick leave—Compensation for.
- Amd WAC 251-22-125 Sick leave—Former employees.

This action is taken pursuant to Notice No. WSR 79-08-118 filed with the code reviser on 7/31/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 14, 1979.

By Douglas E. Sayan  
Director

**NEW SECTION**

**WAC 251-22-124 SICK LEAVE—COMPENSATION FOR.** (1) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

- 388-73-018 Persons and organizations not subject to licensing.
- 388-73-019 Effect of local ordinances.
- 388-73-020 Certification of juvenile detention facility and exempt agency.
- 388-73-022 Application for license or certification—Investigation.
- 388-73-024 Licenses for homes supervised by licensed agency.
- 388-73-026 Licensing of employees.
- 388-73-028 Limitations on licenses.
- 388-73-030 General qualifications of licensee, persons on the premises.
- 388-73-032 Age of licensee.
- 388-73-034 Posting of license.
- 388-73-036 Licensure—Denial, suspension or revocation.
- 388-73-038 Licensed capacity.
- 388-73-040 Discrimination prohibited.
- 388-73-042 Religious activities.
- 388-73-044 Special requirements regarding American Indians.
- 388-73-046 Discipline.
- 388-73-048 Corporal punishment.
- 388-73-050 Abuse, neglect, exploitation.
- 388-73-052 Interstate placement of children.
- 388-73-054 Client records and information.
- 388-73-056 Reporting of illness, death, injury, epidemic or child abuse.
- 388-73-057 Reporting of circumstantial changes.
- 388-73-058 Earnings, allowances, personal belongings.
- 388-73-060 Work assignments.
- 388-73-062 Transportation.
- 388-73-064 Clothing.
- 388-73-066 Personal hygiene.
- 388-73-068 Personnel policies.
- 388-73-070 Training.
- 388-73-072 Education and vocational instruction.
- 388-73-074 Social service staff.
- 388-73-076 Social study—treatment plans.
- 388-73-078 Clerical, accounting and administrative services.
- 388-73-080 Support and maintenance staff.
- 388-73-100 Site and telephone.
- 388-73-102 Safety and maintenance.
- 388-73-104 Firearms.
- 388-73-106 Storage.
- 388-73-108 Bedrooms.
- 388-73-110 Special care room.
- 388-73-112 Kitchen facilities.
- 388-73-114 Housekeeping sink.
- 388-73-116 Laundry.
- 388-73-118 Toilets, lavatories and bathing facilities.
- 388-73-120 Lighting.
- 388-73-122 Pest control.
- 388-73-124 Sewage and liquid wastes.
- 388-73-126 Water supply.
- 388-73-128 Temperature.
- 388-73-130 Ventilation.
- 388-73-132 Health care plan.
- 388-73-134 First aid.
- 388-73-136 Medications controlled by licensee.
- 388-73-138 Self-administration of medications.
- 388-73-140 Health history, physical examinations, immunizations.
- 388-73-142 Tuberculosis, communicable disease.
- 388-73-144 Nutrition.
- 388-73-146 Infant care.
- 388-73-200 Child-placing agency.
- 388-73-202 Required personnel.
- 388-73-204 Office space.
- 388-73-206 Out-of-country, out-of-state agencies.
- 388-73-208 Medical care.
- 388-73-210 Foster care licensees.
- 388-73-212 Foster care placements.
- 388-73-214 Adoption procedures.
- 388-73-216 Adoptive placements.
- 388-73-300 Foster family homes and family homes for adults.
- 388-73-302 Orientation and training.
- 388-73-304 Capacity.
- 388-73-306 Foster parents/sponsors—Employment.
- 388-73-308 Absence from home.

- 388-73-310 Fire safety.
- 388-73-312 Family foster homes—Services to person under care.
- 388-73-400 Day care providers.
- 388-73-402 Maximum hours—Rest periods.
- 388-73-404 Ill children.
- 388-73-406 Nap and sleep equipment.
- 388-73-408 Evening and nighttime care.
- 388-73-410 Information to parents.
- 388-73-412 Toddlers and preschool children.
- 388-73-420 Orientation and training—Family day care home.
- 388-73-422 Capacity—Family day care home.
- 388-73-424 Family day care—Program and equipment.
- 388-73-426 Family day care—Fire safety.
- 388-73-430 Capacity—Limitations on ages and numbers—Mini-day care centers.
- 388-73-432 Staffing—Mini-day care program.
- 388-73-434 Qualifications of licensee—Mini-day care.
- 388-73-436 Qualifications of child care staff—Mini-day care.
- 388-73-438 Program and equipment—Mini-day care.
- 388-73-440 Play areas—Mini-day care.
- 388-73-450 Required personnel—Day care centers.
- 388-73-452 Program—Day care centers.
- 388-73-454 Toddlers and preschool children—Day care centers.
- 388-73-458 Furnishings and equipment—Day care centers.
- 388-73-460 Play areas—Day care centers.
- 388-73-500 Day treatment center.
- 388-73-502 Function of day treatment program.
- 388-73-504 Personnel.
- 388-73-506 Ratio of counselor and teaching staff to children.
- 388-73-508 Program.
- 388-73-510 Ill children.
- 388-73-512 Play areas.
- 388-73-600 Group care facilities.
- 388-73-602 Function of group care facility.
- 388-73-604 Daily activity program.
- 388-73-606 Required positions.
- 388-73-608 Nursing service.
- 388-73-610 Required rooms, areas and equipment—Group care facilities.
- 388-73-700 Maternity services.
- 388-73-702 Types of services.
- 388-73-704 Daily activities program.
- 388-73-706 Eligibility for service—Required services.
- 388-73-708 Required personnel.
- 388-73-710 Guidance and counseling.
- 388-73-712 Health education.
- 388-73-714 Family life education.
- 388-73-716 Leisure time activities.
- 388-73-718 Child care.
- 388-73-720 Medical service.
- 388-73-722 Required rooms, areas, equipment.
- 388-73-800 Crisis residential centers.
- 388-73-802 Limitations on number of facilities.
- 388-73-804 Hours of operation.
- 388-73-810 Group crisis residential centers.
- 388-73-820 Family crisis residential centers.

LOMA

Please check correct statutory authority. (see books)

Correction to Non-Cooking

per 74.06.080

**WAC 388-73-010 Authority.** The following rules are adopted pursuant to chapter 74.15 RCW, RCW 74.08.044 and chapter 155, Laws of 1979. Unless otherwise provided these rules shall apply to all categories of agencies. [Statutory Authority: RCW 72.01.240 and 1979 c 155, 79-10-026 (Order 1431), § 388-73-010, filed 9/10/79. Statutory Authority: RCW 74.15.030, 78-10-006 (Order 1336), § 388-73-010, filed 9/8/78.]

**WAC 388-73-012 Definitions.** (1) Those terms defined in chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) "A developmentally disabled adult" is an individual eighteen years of age or over who suffers from a



(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds 480 hours may choose to convert sick leave hours earned in the previous calendar year minus those used during the year to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979 due to retirement or death shall be compensated for their unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the retirement system.

(2) Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

(3) An employee who separates from the classified service for any reason other than retirement or death shall not be paid for accrued sick leave.

**AMENDATORY SECTION** (Amending Order 61, filed 8/30/77)

~~WAC 251-22-125 SICK LEAVE—((SEPARATION—REEMPLOYMENT)) FORMER EMPLOYEES. (1) ((Upon separation of the employee from the classified service for any reason, compensation shall not be paid for accrued sick leave credits.~~

~~(2) Employees appointed from a layoff list shall have sick leave credits reinstated upon their return to active service.~~

~~(3)) Former state employees who are reemployed within three years of separation shall ((be credited upon appointment with)) have their former sick leave balance restored for use as provided in WAC 251-22-110.~~

~~(2) Upon subsequent retirement or death of a retired state employee who has returned to state service, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the provisions of WAC 251-22-124(1)(b); this restriction shall not apply to other returning employees.~~

**WSR 79-10-056  
ADOPTED RULES**

**COUNCIL FOR POSTSECONDARY EDUCATION**  
[Order 8-79, Resolution 80-2—Filed September 17, 1979]

Be it resolved by the Council for Postsecondary Education, State of Washington, acting at Clark College, Vancouver, Washington, the annexed rules relating to

Bylaws—Council for Postsecondary Education, chapter 250-10 WAC.

This action is taken pursuant to Notice No. WSR 79-07-122 filed with the code reviser on July 3, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Council for Postsecondary Education as authorized in RCW 28B.80.080.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 16, 1979.

By Chalmers Gail Norris  
Executive Coordinator

Chapter 250-10 WAC

**BYLAWS — COUNCIL FOR POSTSECONDARY EDUCATION**

WAC

250-10-010	Name.
250-10-020	Purpose.
250-10-022	General planning and coordinating functions.
250-10-026	Functions on which all council members vote.
250-10-028	Other administrative responsibilities.
250-10-040	Term of office.
250-10-060	Organization of the council.
250-10-070	Meetings.
250-10-080	Committees.
250-10-090	Finances
250-10-120	Reports.
250-10-150	Amendments.

**AMENDATORY SECTION** (Amending Order 2-76, filed 9/13/76)

~~WAC 250-10-010 NAME. The name of this organization shall be the Council for Postsecondary Education, hereinafter referred to as the "council". (Reference: RCW 28B.80.010)~~

**AMENDATORY SECTION** (Amending Order 7-75, filed 8/26/75)

~~WAC 250-10-020 PURPOSE. ((The council may perform any of the following functions:~~

~~(1) Engage in overall planning for postsecondary education in the state, which shall include the collection and analysis of necessary data from public, and, where appropriate, private institutions of postsecondary education. The purpose shall be to:~~

~~(a) Assess and define the educational needs of the state to be served by postsecondary education;~~

~~(b) Recommend and coordinate studies to ascertain how defined educational needs are being met;~~

~~(c) Study and make recommendations concerning adult education, continuing education, public service and postsecondary educational programs;~~

~~(d) Identify priorities among the defined needs and specify the resources necessary to meet them;~~

~~(c) Differentiate roles of the community college system and the individual public institutions and identify the most effective division of responsibility among them in meeting defined needs. To facilitate this, review and recommend the creation of all new degrees and recommend which institutions shall award them; and evaluate proposals for the elimination of existing degrees. Identify changing conditions which may require the revision of these roles and division of responsibility of the institutions.~~

~~(2) In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions, and recommend the establishment, location and role of any new public baccalaureate granting institutions and review the plans for the community college system in terms of their articulation with planning for postsecondary education in the state.~~

~~(3) Study levels of fees and charges to students and, when necessary, make recommendations to the institutions, legislature, and governor.~~

~~(4) Study and make recommendations concerning admission and transfer policies.~~

~~(5) Review individual institutional operating budget requests to determine the conformity or lack thereof to the state's postsecondary education plan. Provided, that its review of community colleges be limited to the plan prepared by the state board for community college education.~~

~~(6) Review the individual institutional and capital budget requests to determine their conformity or lack thereof to the state's postsecondary education plan. provided, that its review of community colleges be limited to the plan prepared by the state board for community college education.~~

~~(7) Study and make recommendations for the development of improved practices of administrative management in order to facilitate the most efficient operation of the public institutions and the avoidance of unnecessary duplication among the institutions.~~

~~(8) At the request of the governor, legislature, state board for community college education, and in conjunction with such legislative standing committees on higher education as may be in existence, study and make recommendations regarding legislation affecting postsecondary education. (Reference: RCW 28B.80.030).~~

~~(9) Be the clearinghouse for technological education; with responsibilities for compilation and distribution of information to support:~~

~~(a) Career guidance information of all programs and levels of technology;~~

~~(b) Assistance in curriculum development;~~

~~(c) Coordination of long-range technological planning; and~~

~~(d) Assistance in maximizing federal and other state funding grants for program development in technology.~~

~~(10) The council shall not duplicate the efforts of the commission for vocational education which shall serve as the clearinghouse source for the compilation of all information for technological programs under the state plan for vocational education.~~

~~(11) The council shall incorporate within its long-range planning consideration of the delivery systems of advanced technological programs, the need for new or additional programs, and their proper organizational location. (Reference: RCW 28B.80.130).~~

~~(12) Develop such state plans as are necessary to coordinate the State of Washington's participation within the student exchange compact programs under the auspices of the western interstate commission for higher education, as provided by chapter 28B.70 RCW. In addition to establishing such plans the council shall designate the state certifying officer for student programs. (Reference: RCW 28B.80.150))~~

The Council was established to facilitate planning needed to maintain articulation and coordination among the parts of the increasingly complex system of postsecondary education in Washington. (Reference: RCW 28B.80.020) As the state agency encompassing a concern for all of postsecondary education, the council may be assigned specific coordinating and administrative functions in addition to its overall planning function. In performing all assigned functions it shall be the council's purpose to serve the broad public interest by seeking to foster a coordinated system of postsecondary education which is at once efficient in the utilization of limited resources, of high quality, responsive to changing public needs, and accountable for its activities and claims.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

## NEW SECTION

WAC 250-10-022. GENERAL PLANNING AND COORDINATING FUNCTIONS. In general, the council will place priority on: Identifying the state's needs for education beyond secondary schools; assessing the effectiveness of current postsecondary education programs in fulfilling the state's needs; and recommending goals and long-term plans for Washington postsecondary education. In accordance with statute, the council may perform any of the following functions:

(1) Engage in overall planning for postsecondary education in the state, which shall include the collection and analysis of necessary data from public, and, where appropriate, private institutions of postsecondary education. The purpose shall be to:

(a) Assess and define the educational needs of the state to be served by postsecondary education;

(b) Recommend and coordinate studies to ascertain how defined educational needs are being met;

(c) Study and make recommendations concerning adult education, continuing education, public service and postsecondary educational programs;

(d) Identify priorities among the defined needs and specify the resources necessary to meet them;

(e) Differentiate roles of the community college system and the individual public institutions and identify the most effective division of responsibility among them in meeting defined needs. To facilitate this, review and recommend the creation of all new degrees and recommend which institutions shall award them; and evaluate proposals for the elimination of existing degrees. Identify

changing conditions which may require the revision of these roles and division of responsibility of the institutions.

(2) In the execution of the above planning responsibilities, develop criteria for the need for new baccalaureate institutions; and recommend the establishment, location and role of any new public baccalaureate-granting institutions and review the plans for the community college system in terms of their articulation with planning for postsecondary education in the state.

(3) Study levels of fees and charges to students and, when necessary, make recommendations to the institutions, legislature, and governor.

(4) Study and make recommendations concerning admission and transfer policies.

(5) Review individual institutional operating budget requests to determine the conformity or lack thereof to the state's postsecondary education plan: Provided, that its review of community colleges be limited to the plan prepared by the state board for community college education.

(6) Review the individual institutional and capital budget requests to determine their conformity or lack thereof to the state's postsecondary education plan: Provided, that its review of community colleges be limited to the plan prepared by the state board for community college education.

(7) Study and make recommendations for the development of improved practices of administrative management in order to facilitate the most efficient operation of the public institutions and the avoidance of unnecessary duplication among the institutions.

(8) At the request of the governor, legislature, state board for community college education, or baccalaureate granting institutions of postsecondary education, and in conjunction with such legislative standing committees on higher education as may be in existence, study and make recommendations regarding legislation affecting postsecondary education. (Reference: RCW 28B.80.030)

(9) Be the clearinghouse for technological education, with responsibilities for compilation and distribution of information to support:

(a) Career guidance information of all programs and levels of technology;

(b) Assistance in curriculum development;

(c) Coordination of long-range technological planning; and

(d) Assistance in maximizing federal and other non-state funding grants for program development in technology.

(10) The council shall not duplicate the efforts of the Commission for Vocational Education which shall serve as the clearinghouse source for the compilation of all information for technological programs under the state plan for vocational education.

(11) The council shall incorporate within its long-range planning consideration of the delivery systems of advanced technological programs, the need for new or additional programs, and their proper organizational location. (Reference: RCW 28B.80.130)

(12) Develop such state plans as are necessary to coordinate the State of Washington's participation within

the student exchange compact programs under the auspices of the Western Interstate Commission for Higher Education, as provided by chapter 28B.70.RCW. In addition to establishing such plans the council shall designate the state certifying officer for student programs. (Reference: RCW 28B.80.150)

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 250-10-026. FUNCTIONS ON WHICH ALL COUNCIL MEMBERS VOTE.** The council with all members voting shall administer the following programs and responsibilities:

(1) Title IV-B and VI of the Higher Education Act of 1965; Title I of the Higher Education Facilities Act of 1963; and any other federal act pertaining to higher education which is not administered by another state agency. (Reference: RCW 28B.80.210 through 28B.80.220)

(2) Any state program or state administered federal program of student financial aid now or hereafter established. (Reference: RCW 28B.80.240)

(a) The state need grant program authorized by RCW 28B.10.800 through 28B.10.824.

(b) The college work/study program authorized by RCW 28B.12.010 through 28B.12.070.

(c) Determination of eligibility and need for benefits to children of deceased or totally incapacitated veterans under RCW 28B.10.250 through 28B.10.260.

(d) Assistance to blind students under RCW 28B.10.210 through 28B.10.220.

(3) The receipt and expenditure of federal funds and any private gifts or grants and such funds shall be expended in accordance with the conditions contingent to such grant. (Reference: RCW 28B.80.230)

(4) State 1202 Commission. The council is designated as the state commission as provided for in section 1202 of the Education Amendments of 1972 (public law 92-318), as now or hereafter amended; and shall perform such functions as are necessary to comply with federal directives pertaining to the provisions of such law.

(5) Responsibilities as the state approving agency for academic schools, colleges and universities, both public and private, pursuant to public law 89-358, under contract with the United States of America, Veterans Administration. (Reference: Executive Order EO-78-2)

#### NEW SECTION

**WAC 250-10-028. OTHER ADMINISTRATIVE RESPONSIBILITIES.** The council shall administer the following additional functions and programs:

(1) Responsibilities for degree granting institutions under the Educational Services Registration Act (Substitute Senate Bill 2434, 46th Regular Session).

(2) The two-year pilot project of contracts for operation of multi-purpose service centers and programs under the Displaced Homemakers Act (Engrossed Senate Bill 2406, 46th Regular Session).



(3) Such other administrative responsibilities as may from time to time be assigned by statute or by executive order.

AMENDATORY SECTION (Amending Order 7-75, filed 8/26/75)

WAC 250-10-040 TERM OF OFFICE. (1) Citizen members of the council shall serve for terms of six years, said terms expiring on June 30 of the sixth year of their term: Provided, that the term of the student citizen member shall not exceed three years and shall be coextensive with his or her tenure as a student except for summer sessions. ~~((The member of the council appointed by the governor from the executive branch of government shall serve at the governor's pleasure.))~~

(2) The member of the council appointed by the Governor from the executive branch of government shall serve at the governor's pleasure.

~~((2))~~ (3) The term of the Superintendent of Public Instruction, the executive director of the Commission for Vocational Education, and the executive director of the State Board for Community College Education shall be coextensive with their tenure in those respective offices.

~~((3))~~ (4) The president-representatives appointed by the governor shall serve for a four-year term, or until such earlier date as each shall cease to be the president of the institution or representative of a postsecondary group from which he or she was appointed. (Reference: RCW 28B.80.060)

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

AMENDATORY SECTION (Amending Order 7-75, filed 8/26/75)

WAC 250-10-060 ORGANIZATION OF THE COUNCIL. (1) Officers. The officers of the council shall be chairman, vicechairman, and executive coordinator who shall function as the secretary of the council. The chairman and vicechairman shall be citizen members of the council.

(2) Duties of Officers.

(a) The chairman shall preside at all meetings of the council, shall act as an ex-officio member of all standing committees, and shall perform such other duties as pertain to the office.

(b) The vicechairman shall perform the duties of the chairman in his or her absence, shall act as an ex-officio member of all standing committees and any other duties delegated by the chairman. The vicechairman shall assume the duties of the chairman upon permanent departure of the chairman until such time as elections shall be held to elect a new chairman for the balance of the current term of office.

(c) The duty of the executive coordinator, in addition to administrative responsibilities assigned elsewhere in the bylaws, will be to keep a record of the proceedings of the council, notify all council members of meetings and to perform such other duties as shall be delegated by the chairman.

(3) Term of Office. Term of office for chairman and vicechairman will be for one council year beginning July 1 and ending June 30. The chairman and vicechairman may serve for a maximum of three consecutive terms.

(4) Election of Officers.

(a) The nominating committee shall be responsible for presenting nominations for chairman and vicechairman.

(b) The chairman of the council shall appoint a nominating committee in April. The nominating committee shall consist of three citizen members ~~((designated by the chairman from those citizen members who have the longest remaining terms to serve;))~~ and two members ~~((as designated by the chairman))~~ from the non-citizen membership of the council.

(c) The nominations shall be presented and elections held at the last council meeting of the council year. The chairman and vicechairman shall be elected by a majority vote of the citizen members. The vote for chairman and vicechairman will be by ~~((separate and secret ballot))~~ roll call vote of the members present.

AMENDATORY SECTION (Amending Order 2-76, filed 9/13/76)

WAC 250-10-070 MEETINGS. (1) Regular meetings. The council shall meet at least four times each year and at such other times as determined by the chairman or by a majority of the members. The dates of future meetings will be scheduled at least six ~~((6))~~ months in advance ~~((at a meeting held each calendar quarter)).~~

(2) Place of Meetings. The meetings of the council may be held at any place as determined by the chairman.

(3) Notice. Ten days notice of all meetings shall be given by mailing a copy of the notice and agenda to each member.

(4) Special Meetings. The ten day notice may be waived for special or emergency meetings upon consent of at least three-fourths of all council members. In such cases, the provision of RCW 42.30.080 will govern due notification of the time, place and business to be transacted.

(5) Executive Sessions. An executive session may be called by the chairman or by a majority of all council members. No official actions shall be taken at executive sessions which shall be binding without formal action at a regular or special meeting of the council. Executive sessions shall deal only with matters authorized by RCW 42.30.110.

(6) Agenda. The agenda shall be prepared by the executive coordinator in consultation with the chairman. Items may be submitted by all council members to the executive coordinator at least 15 days prior to the council meeting.

(7) Attendance of Council Members. Each member of the council is expected to attend all council and assigned committee meetings. In the event that a member is unable to attend a scheduled meeting, he or she is requested to provide the chairman or the executive coordinator with the reasons for the absence. In the case of individuals who are council members by virtue of their office or position, personal attendance is urged. If attendance is not possible, a representative may be sent who will be

afforded full speaking privileges but shall not be able to move or second motions or vote. At the end of each council year, the chairman will send the attendance records of all members (~~((other than ex-officio members))~~) to the governor's office with the reasons for the absences duly noted. A copy will also be provided to each council member.

(8) Legislative and Advisory Committee Liaison. Members of the legislature who are assigned to the council as liaison and chairmen of major council advisory committees will be extended seats with the council at all council and standing committee meetings with full speaking privileges but shall not be able to move and second motions or vote. For purposes of this section, "major advisory committees" are the student advisory committee and the faculty advisory committee.

(9) Courtesy of the Council. In the event that the governor, a member of the legislature, or a chief executive officer of an institution of postsecondary education, is in attendance at a council or a standing committee meeting, the chairman may extend the "courtesy of the council" to such individual, inviting that person to sit with the council or committee with full speaking privileges on any and all issues coming before the council or committee.

(10) Voting Procedures.

(a) Voting procedures for the council on all matters set forth in WAC 250-10-~~((020))~~ 022 and WAC 250-10-028 shall be as follows:

(i) Five citizen members shall constitute a quorum to conduct the affairs of the council. (Reference: RCW 28B.80.090)

(ii) The chairman may vote on all matters coming before the council. In the case of a tie, the matter shall be referred to committee for further consideration.

(iii) A roll call of all council members shall be taken on all substantive matters dealing with postsecondary education policy. However, the nine citizen members of the council alone shall have the right to decide by five affirmative votes all matters coming before the council. (Reference: RCW 28B.80.050)

(iv) All council members shall have the right to move and second motions.

(v) There shall be no proxy voting.

~~((+1))~~ (b) Voting procedures for the council on all matters set forth in WAC 250-10-~~((025))~~ 026 shall be as follows:

~~((+))~~ (i) All sixteen members shall have the right to vote.

~~((+))~~ (ii) Nine members, at least five of whom shall be citizen members, shall constitute a quorum to conduct the business of the council concerning matters set forth in WAC 250-10-~~((025))~~ 026.

~~((+))~~ (iii) The chairman shall have the right to vote on all matters coming before the council. In the case of a tie, the matter shall be referred to committee for further consideration.

~~((+))~~ (iv) A roll call vote will be taken on all substantive matters.

~~((+))~~ (v) Decisions will be made by a majority vote of all council members present.

~~((+))~~ (vi) There shall be no proxy voting.

~~((+2))~~ (11) Minutes. The minutes of the previous meeting shall be distributed to all council members 10 days prior to the next council meeting.

~~((+3))~~ (12) Public Attendance. All regular and special meetings shall be open to the public. All executive sessions shall be closed to the public.

~~((+4))~~ (13) Press Releases. All press releases and information concerning council activities shall be released from the council office.

~~((+5))~~ (14) Public Participation.

(a) Any person(s) or organization wishing to make a formal presentation at a regularly scheduled meeting of the ~~((Council for Postsecondary Education))~~ council shall notify the executive coordinator in writing at least 48 hours prior to the time of the meeting.

(i) Such notification shall contain the person's or organization's name, address, and the topic to be presented to the council.

(ii) Permission to appear before the council shall be granted by ~~((the executive committee under written authorization of))~~ the executive coordinator in consultation with the chairman.

(iii) Such permission shall include the date and time of the council meeting and time set for the formal presentation.

~~((+6))~~ (15) The chairman of the ~~((Council for Postsecondary Education))~~ council may, at his or her discretion, recognize anyone in the audience who indicates in writing at the time of the meeting ~~((that he wishes))~~ a desire to speak at a formal meeting of the council, provided that such remarks by one person shall be limited to five minutes.

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

AMENDATORY SECTION (Amending Order 7-75, filed 8/26/75)

WAC 250-10-080 COMMITTEES. (1)  
Representation.

(a) All committees appointed shall reflect a geographical representation as well as citizen and educational representation.

(b) The chairman of each standing committee shall be a citizen member of the council.

(2) Executive Committee.

(a) There shall be an executive committee which shall consist of the chairman, vicechairman, and executive coordinator.

(b) The executive committee is authorized to deal with personnel, award of personal service contracts in excess of \$5,000, and housekeeping matters, subject to approval at the next council meeting. Official minutes of executive committee meetings will be signed by each member of the executive committee present and filed in the council office, and shall be available for review of any council member.

(3) Standing Committees.

(a) The standing committees of the council shall be: (1) ~~((administration &))~~ finance and (2) ~~((program planning))~~ academic affairs. The council chairman shall

appoint the chairman and other members of each committee subject to confirmation by the council. The chairman and vicechairman shall be ex-officio voting members of each standing committee.

(b) Committee voting procedures (~~only~~):

(i) All regularly appointed members of a particular committee shall have the right to vote. Other members in attendance may enter into discussion, but shall have no vote.

(ii) There shall be no proxy voting.

(c) Notice of committee meetings shall be given to all council members.

(d) All questions decided by the committee shall be by majority of the committee members present.

(4) Council Advisory Committees. (~~Advisory~~) Council advisory committees shall be established as deemed necessary to the functioning of the council. (~~Advisory~~) Council advisory committees shall be limited in their jurisdiction to the purposes determined by the council. Procedures established with regard to council advisory committee meetings and duties are subject to approval by the council.

(5) Committee of the Whole. The chairman may, from time to time, direct that items of major importance be discussed in committee of the whole. Meetings of the committee of the whole will be chaired by the chairman, or in the absence of the chairman, the vicechairman, or by a citizen member designated by the chairman. When meeting as a committee of the whole, all council members shall have the right to vote. There shall be no proxy voting, however.

(6) Committee Reports.

(a) Committee reports and recommendations shall be submitted to the council in writing except when committees are meeting in conjunction with the council.

(b) Minority reports may be submitted by regular members of the committee if signed by said member(s).

(7) Committee Compensation.

(a) Council members attending committee meetings shall be reimbursed on the same basis as for attendance at regularly called council meetings.

(b) Compensation to persons other than council members for expenses incurred for attendance at officially called committee meetings shall be reimbursed on an actual expense basis and in accordance with regulations governing employee travel.

AMENDATORY SECTION (Amending Order 7-75, filed 8/26/75)

WAC 250-10-090 FINANCES. (1) Council Funds. All council funds shall be expended subject to the approval of the chairman. All matters related to payment of compensation and other expenses of the council shall be subject to the State Budget and Accounting Act. (Reference: RCW 28B.80.080, Para. 5)

(2) Budget Approval. The executive coordinator shall prepare the budget which shall be reviewed by the executive committee and approved by the council.

(3) Allotment Approval. The agency allotments and reallocations shall be prepared and submitted by the executive coordinator and (~~approved by the executive~~

~~committee prior to submission to the governor~~) subsequently reviewed with the executive committee.

(4) Compensation. Members of the council will receive per diem in lieu of compensation, and travel expenditures in accordance with standard rates for part-time boards, councils, and commissions as certified by the state budget director. (Reference: RCW 28B.80.110)

(5) Other Funds. The council, in addition to any funds appropriated or allocated from the state legislature to carry out its purpose, may accept federal funds made available to the state for postsecondary education research or otherwise, under the terms of any act or acts of Congress, or any private gifts or grants, such as federal funds or private funds to be expended in accordance with conditions contingent in such grant. (Reference: RCW 28B.80.120)

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

AMENDATORY SECTION (Amending Order 7-75, filed 8/26/75)

WAC 250-10-120 REPORTS. (1) Reports will be made to the governor and the legislature not later than 30 days prior to each legislative session and at other times deemed appropriate by the council.

(2) All official (~~requests for~~) reports or information concerning council activities or business will be issued by the (~~council office~~) executive coordinator, unless otherwise delegated.

AMENDATORY SECTION (Amending Order 7-75, filed 8/26/75)

WAC 250-10-150 AMENDMENTS. These bylaws may be amended at any regular or special meeting by a two-thirds vote of citizen members of the council, after appropriate rulemaking notification has been provided.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 250-10-025 ADMINISTERING PROGRAMS.

**WSR 79-10-057**

**PROPOSED RULES**

**COUNCIL FOR POSTSECONDARY EDUCATION**

[Filed September 17, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning Western Interstate Commission for Higher Education Student Exchange Program;

that such agency will at 9:30 a.m., Wednesday, October 3, 1979, in The Evergreen State College, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, October 4,

1979, in The Evergreen State College, Olympia, Washington.

The authority under which these rules are proposed is chapter 4, 1974 1st ex. sess.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-05-124 filed with the code reviser's office on May 2, 1979.

Dated: September 17, 1979

By: Chalmers Gail Norris  
Executive Coordinator

**WSR 79-10-058**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-87—Filed September 17, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is test fishing has shown that chinook have cleared the Green-Duwamish below the First Avenue Bridge.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 17, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-28-010F0J** **CLOSED AREA** *Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from that portion of the Green-Duwamish River upstream from the First Avenue Bridge.*

**REPEALER**

*The following section of the Washington Administrative Code is repealed.*

**WAC 220-28-010F0I** **CLOSED AREA** (79-76)

**WSR 79-10-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-86—Filed September 17, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order adopts regulations pursuant to the Columbia River Compact.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 17, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-32-03000R** **AREAS AND SEASONS—COLUMBIA RIVER** *Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031, and WAC 220-32-032, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except at those times designated below:*

*6:00 p.m. September 17 to 6:00 p.m. September 21, 1979.*

*6:00 p.m. September 23 to 6:00 p.m. September 27, 1979.*

*6:00 p.m. September 30 to 6:00 p.m. October 4, 1979.*

*6:00 p.m. October 7 to 6:00 p.m. October 10, 1979.*

*6:00 p.m. October 14 to 6:00 p.m. October 17, 1979.*

*6:00 p.m. October 21 to 6:00 p.m. October 24, 1979.*

*6:00 p.m. October 28 to 6:00 p.m. October 31, 1979.*

**REPEALER**

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-32-03000Q** **AREAS AND SEASONS—COLUMBIA RIVER** (79-78)

**WSR 79-10-060**  
**ADOPTED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-131, Cause No. U-79-42—Filed September 18, 1979]

In the matter of amending WAC 480-120-021, 480-120-056, 480-120-081 and 480-120-121 relating to telephone companies.

This action is taken pursuant to Notice No. WSR 79-08-130, filed with the Code Reviser on August 1, 1979. These rules hereinafter amended shall take effect on a permanent basis pursuant to RCW 34.04.040(2).

These rules are being promulgated pursuant to RCW 80.04.060, and are intended to administratively implement the provisions of that chapter.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the Economic Policy Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 79-08-130, the above matter was scheduled for amendment at 8:00 a.m., Wednesday, September 12, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey and Commissioner A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the Commission prior to September 7, 1979. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments at 8:00 a.m., Wednesday, September 12, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

In accordance with the terms of the notice written comments were submitted to the Commission by Pacific Northwest Bell Telephone Company and Continental Telephone Company of the Northwest, Inc. At the September 12, 1979, public meeting, oral comments were presented by Mr. Scott McClellan, on behalf of Pacific Northwest Bell Telephone Company; and Mr. Theodore D. Schultz, and Mr. E. Robert Fristoe, on behalf of Continental Telephone Company of the Northwest, Inc. Both the written and oral comments have been given consideration by the Commission.

These amendments to WAC 480-120-021, 480-120-056, 480-120-081 and 480-120-121 affect no economic value and have no direct economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-120-021, 480-120-056, 480-120-081 and 480-120-121 should be amended to read as set forth in Appendix A, attached hereto and made a part hereof by reference. WAC 480-120-021 sets forth certain definitions relating to telephone companies. WAC 480-120-056 relates to deposits for telephone service. WAC 480-120-081 relates to the terms and

conditions under which telephone service may be disconnected. WAC 480-120-121 relates to the responsibility for delinquent telephone accounts.

**ORDER**

WHEREFORE, IT IS ORDERED That WAC 480-120-021, 480-120-056, 480-120-081 and 480-120-121 be amended as set forth in Appendix A as permanent rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the Secretary of the Senate and the Chief Clerks of the House of Representatives three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 17th day of September, 1979.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman

A. J. Benedetti, Commissioner

**AMENDATORY SECTION (Amending Order R-123,  
Cause No. U-79-01, filed 2/28/79)**

WAC 480-120-021 GLOSSARY. Applicant - any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., applying to the utility for new service or reconnection of discontinued service.

Automatic dialing-announcing device - any automatic terminal equipment which incorporates the following features:

- (1) (a) Storage capability of numbers to be called; or
- (b) A random or sequential number generator that produces numbers to be called; and
- (c) An ability to dial a call; and
- (2) Has the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called.

Base rate area or primary rate area - the area or areas within an exchange area wherein mileage charges for primary exchange service do not apply.

Central office - a switching unit in a telephone system having the necessary equipment and operating arrangements for terminating and interconnecting subscribers' lines, farmer lines, toll lines and interoffice trunks. (More than one central office may be located in the same building or in the same exchange.)

Commission - the Washington Utilities and Transportation Commission.

Customer - user not classified as a subscriber.

Exchange - a unit established by a utility for communication service in a specific geographic area, which unit usually embraces a city, town or community and its environs. It usually consists of one or more central offices

together with the associated plant used in furnishing communication service to the general public within that area.

**Exchange area** – the specific area served by, or purported to be served by an exchange.

**Farmer line** – outside plant telephone facilities owned and maintained by a subscriber or group of subscribers, which line is connected with the facilities of a telephone utility for switching service. (Connection is usually made at the base rate area boundary.)

**Farmer station** – a telephone instrument installed and in use on a farmer line.

**Outside plant** – the telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices.

**Station** – a telephone instrument installed for the use of a subscriber to provide toll and exchange service.

**Subscriber** – any person, firm, partnership, corporation, municipality, cooperative organization, governmental agency, etc., supplied with service by any utility.

**Toll station** – a telephone instrument connected for toll service only and to which message telephone toll rates apply for each call made therefrom.

**Utility** – any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any telephone plant within the State of Washington for the purpose of furnishing telephone service to the public for hire and subject to the jurisdiction of the commission.

**AMENDATORY SECTION** (Amending Order R-86, filed 6/30/76)

**WAC 480-120-056 DEPOSITS.** (1) Establishment of credit—Residential. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors, subject to the provisions of subsection (3) of this section:

(a) Prior service with the utility in question during the next previous ((+2)) twelve months for at least six consecutive months during which service was not disconnected for failure to pay and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (1)(a) ((above)) of this subsection, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment or regular source of income during the entire ((+2)) twelve months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of ((cash)) deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit—Nonresidential. An applicant for nonresidential service may be required to demonstrate satisfactory credit by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the ((+2)) twelve months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where applicant has an unpaid, overdue balance owing for service from the utility to which application is being made or any other telephone company; or where two or more delinquency notices have been served upon the applicant by any other telephone company during the ((+2)) twelve months previous to the application for service.

(c) Installation or continuation of service to a residence where a prior subscriber still resides and where any balance for such service to that prior subscriber is past due or owing.

(d) When a subscriber (i) is initially provided service without a deposit on the basis of credit information supplied to the utility by the subscriber which is incorrect or cannot be verified by the utility and the subscriber would have otherwise been required to make a deposit; or (ii) has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or (iii) has an unpaid, overdue balance owing for the same class of telephone service from the utility providing that service, or any other telephone company, which becomes known to the serving utility after current service has been provided; or (iv) has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service; or (v) has incurred excessive toll charges as defined in subsection (4)(b) of this section and the subscriber has elected not to make full payment of all proper toll charges as provided in subsection (4)(b) of this section.

(e) Any new or additional deposit required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable ten days after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, within five days after service is accomplished.

(4) Amount of deposit.

(a) In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings.

(b) Subscribers whose toll charges exceed the estimated amount by ((+\$20)) twenty dollars or by ((20)) twenty percent, whichever is greater, or whose toll charges exceed customary utilization over the previous six months by a like amount when no estimate has been taken, may be required, upon written or verbal notice

~~((received by))~~ to the subscriber, to make payment of either of the following in the subscriber's election, before the close of the next business day following receipt of the notice:

(i) Full payment of ~~((all))~~ outstanding toll charges specified in said notice; or all toll charges accrued to the time of payment providing the subscriber has been notified that he or she is liable for toll charges in addition to those charges specified in the notice which come to the attention of the utility between the time of notice and of payment.

(ii) Payment of ~~((an))~~ a new or additional deposit in light of the subscriber's actual use based upon a new or revised estimate of two-twelfths of estimated annual billings.

(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following date of mailing.

(d) At the time application is made for service, the ~~((telephone company))~~ utility may request an estimate of the applicant's greatest monthly toll usage during the ensuing ~~((+2))~~ twelve months. When such an estimate is asked and given, the applicant for service shall be advised that if the estimate is exceeded by ~~((\\$20))~~ twenty dollars or ~~((20))~~ twenty percent, whichever is greater, immediate payment may be required, a deposit or additional deposit may be required, or service may be disconnected.

(5) Application of deposits. When the account of a subscriber is delinquent any amount on deposit on that account may be applied by the utility towards satisfaction of the past due amount before disconnection is effected. Written notice of such application of the deposit shall be promptly furnished to the subscriber. If an amount on deposit is applied toward satisfaction of any past due amount, the utility may require of the subscriber an additional deposit in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit. Application of a deposit as provided for herein shall not prevent disconnection of service for failure by a subscriber to pay any past due amount which may remain outstanding.

(6) Transfer of deposit. Where a subscriber of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

~~((6))~~ (7) Interest on deposits. Interest on deposits held shall be accrued at the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of ~~((termination of service))~~ refund or total application of the deposit and shall be compounded annually.

~~((7))~~ (8) Extended payment on deposit. Where a subscriber or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of installation or continuation of service, the subscriber or applicant shall be allowed to pay ~~((50))~~ fifty percent of the deposit amount prior to installation or continuation of service, with the remaining

amount payable in equal amounts on the utility's ordinary billing cycle during the ~~((first))~~ following two months of service. A subscriber or applicant for service unable to meet this deposit requirement shall have the opportunity to receive service under subsection ~~((8))~~ (9), Alternative to Deposit, ~~((next below))~~ of this section.

~~((8))~~ (9) Alternative to deposit. A subscriber or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated service charges at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The subscriber shall then be billed in a normal fashion.

~~((9))~~ (10) Receipt. Where payment is made by cash, a receipt shall be furnished to each applicant or subscriber for the amount deposited.

~~((+0))~~ (11) Refund of deposit. Deposits shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the subscriber has for ~~((+2))~~ twelve consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the subscriber.

(ii) No more than two notices of delinquency have been made to the subscriber by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the subscriber the amount then on deposit plus accrued interest, less any amounts due the utility by the subscriber for service rendered.

(c) Refunds - How made. Any deposit, plus accrued interest, shall be refunded to the subscriber either in the form of a check issued and mailed to the subscriber no longer than ~~((+5))~~ fifteen days following completion of ~~((+2))~~ twelve months' satisfactory payment as described above, or applied to the subscriber's bill for service in the ~~((+3th))~~ thirteenth and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the subscriber at the time of deposit, or as thereafter modified.

~~((+1))~~ (12) ~~((Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant.))~~ Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the subscriber. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

AMENDATORY SECTION (Amending Order R-86, filed 6/30/76)

WAC 480-120-081 DISCONTINUANCE OF SERVICE. (1) By subscriber - A subscriber shall be required to give notice to the utility of his intention to discontinue service.

(2) By utility - ~~((+))~~ Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time



after issuance. The minimum specified time shall be ((+5)) fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For tampering with the utility's property.

(c) In case of vacation of the premises by subscriber.

(d) For nonpayment of any proper charges including deposit, as provided in the tariff of the utility.

(e) For violation of Rules, Service Agreements, or filed tariff(s).

(f) For use of subscriber equipment which adversely affects the utility's service to its other subscribers.

(g) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice(;;): PROVIDED, HOWEVER, That if the subscriber shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to re-establish service, subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the subscriber or other person of civil or criminal responsibility.

(h) For unlawful use of service or use of service for unlawful purposes.

(3) A subscriber's service shall be treated as continuing through a change in location from one premises to another within the same service area if a request for service at the new premises is made prior to disconnection of service at the old premises and service is not subject to termination for cause. A subscriber shall be entitled to the same type of service at the new premises unless precluded by the tariff of the company.

((2)) (4) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the subscriber in person or by telephone to advise the subscriber of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach the subscriber by telephone during ~~((the utility's regular business))~~ reasonable hours shall be made. If a business or message telephone is provided by the subscriber, the utility shall endeavor by that means to reach the subscriber if unable to make contact through the subscriber's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below. Telephone or personal contact need not be attempted when (i) the company has had cause in any two previous billing periods during a consecutive twelve month period

to attempt such contact; and (ii) the company has notified the subscriber in writing that such telephone or personal contact will not be attempted in the future before effecting disconnection of services.

(b) Each utility shall provide, subsequent to a subscriber's account becoming delinquent, written notice of disconnection served on the subscriber either by mail or, at its option, by personal delivery of the notice to the subscriber's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the subscriber. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ((+10)) ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the subscriber can make contact with the utility to resolve any differences.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the subscriber's account. When disconnection is not effected due to such payment the utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where the utility has reasonable grounds to believe service is to other than the subscriber of record, the utility shall undertake reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five business days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the ~~((Director))~~ secretary, Washington state department of social and health services, as well as to the subscriber. Upon request from the ~~((Director))~~ secretary or his designee, a delay in disconnection of no less than ((5)) five business days from the date of notice shall be allowed so that the

department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be totally disconnected while a subscriber is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The subscriber shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h) Where a subscriber's toll charges substantially exceed the amount of any deposit or customary utilization, and where it appears the subscriber will incur excessive, uncollectible toll charges while an appeal is being pursued, the utility may, upon authorization from the commission, disconnect service. A subscriber whose service is so ~~((discontinued))~~ eligible for disconnection may ~~((re-establish))~~ maintain service pending resolution of any dispute upon ~~((the making of a deposit or))~~ payment of ~~((undisputed))~~ outstanding toll charges subject to refund if the dispute is resolved in the subscriber's favor.

~~((3))~~ (5) Payment of any delinquent amount to a designated payment agency of the utility shall constitute payment to the utility, if the subscriber informs the utility of such payment and the utility verifies such payment.

~~((4))~~ (6) Service shall be restored when the causes of discontinuance, other than nonpayment, have been removed and when payment of all proper charges due from the ~~((subscriber))~~ applicant, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and the subscriber or applicant over the propriety of disconnection. A utility may not condition providing service to an applicant upon satisfaction of any obligation to the utility incurred while the applicant was a subscriber receiving service from the utility.

~~((5))~~ (7) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

When service is discontinued for nonpayment of a bill it may be either completely or partially disconnected. Partial disconnection means telephone service will be restricted to either incoming or outgoing service. In case of a partial disconnection, the subscriber shall be notified of the restricted usage. Upon any complete disconnection of telephone service to a subscriber, charges for service will be discontinued as of the date of the disconnection.

AMENDATORY SECTION (Amending Order R-25, filed 5/5/71)

WAC 480-120-121 RESPONSIBILITY FOR DELINQUENT ACCOUNTS. A utility shall not refuse or discontinue service to an applicant or ~~((customer))~~ subscriber, who is not in arrears to the utility, even though there are unpaid charges due from the premises occupied by the applicant or ~~((customer))~~ subscriber, on account of the unpaid bill of a prior tenant, unless there is evidence of intent to defraud.

~~((A utility may not permanently deny service to an applicant because of a prior obligation to the utility.))~~

WSR 79-10-061  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 79-88—Filed September 18, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal-use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to continue development of a harvest management plan for underwater reef enhanced fishing areas.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 18, 1979.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-56-06500C EDMONDS FISHING PIER Notwithstanding the provisions of WAC 220-56-020, WAC 220-56-030, WAC 220-56-040, and WAC 220-56-065, effective September 18, 1979 until further notice, it shall be unlawful to take, fish for or possess food fish or shellfish for personal use from the Edmonds Public Fishing Pier contrary to the following bag limits and gear restrictions:

(1) Bag Limits.

(a) Rockfish (Scorpaenidae) – all species, 5 fish per day,

not less than 10 inches in length.

Kelp greenling (Hexagrammos decagrammus) – 3 fish per day.

Pacific (true) cod (Gadus macrocephalus), Pacific tom cod

(Microgadus proximus), and Walleye pollock

(Theragra chalcogrammus) – 10 fish in the aggregate

per day.

Surfperch (Embiotocidae) – all species – 10 fish per day.

Cabezon (Scorpaenichthys marmoratus) – 3 fish per day.

Flounders (Bothidae and Pleuronectidae) – all species, except

Pacific halibut (Hippoglossus stenolepis) – 10 fish

- per day.
- (b) Octopus - closed to harvest.
- (2) Gear restrictions.
- (a) angling shall be as provided in WAC 220-56-020, however, the lures must remain outboard of the pier railing while casting.
- (b) It shall be unlawful to operate more than one hand dip net, one ring net or one shellfish pot per angler.

**WSR 79-10-062**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-89—Filed September 18, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to comply with amendments to Chapter 75.24 and Chapter 75.28 RCW prior to adopting permanent regulations.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 18, 1979.  
 By Gordon Sandison  
 Director

NEW SECTION

WAC 220-52-01900E GEODUCK CLAMS Notwithstanding the provisions of WAC 220-52-019, WAC 220-52-01901, and WAC 220-52-075, effective immediately until further notice, the following provisions shall apply:

- (1) One geoduck validation must be physically present on board the harvest vessel for each and every geoduck personal commercial fishing license in use. It is the responsibility of the holder of a harvest agreement to issue validations only to divers authorized to harvest on the specific tract or tracts. It is the responsibility of the holder of the harvest agreement to ensure that the required number of validation cards are on board the harvesting vessel engaged in geoduck harvesting.

(2) A valid geoduck personal commercial fishing license is required for each and every diver who is harvesting or attempting to harvest geoducks.

(3) It shall be unlawful for more than six divers to harvest geoducks at any one time on a single geoduck tract. It is the responsibility of the holder of a harvest agreement to ensure that no more than six divers are harvesting at one time.

(4) It shall be unlawful to take, fish for or possess geoduck clams except within the boundaries of the subtidal tracts for which geoduck harvest agreements have been issued by the Department of Natural Resources.

(5) On subtidal tracts for which geoduck harvest agreements have been issued by the Department of Natural Resources after June 30, 1979, it shall be unlawful to harvest from bottoms which are shallower than 18 feet below mean lower low water (0.0 feet) or which lay in an area bounded by the line of ordinary high tide (mean high tide) and a line 200 yards seaward from and parallel to said line of ordinary high tide.

(6) Numbered validations will be issued only to holders of valid subtidal geoduck harvest agreements issued by the Department of Natural Resources and persons who hold current geoduck tract licenses issued by the Department of Fisheries. The validation will contain the identification of each licensed tract.

(7) At all times when geoduck harvesting is occurring, the geoduck tract license for the specific tract and the geoduck personal commercial fishing license and validation card for each and every diver who is harvesting or attempting to harvest geoducks from that tract must be prominently displayed on board the vessel.

(8) A separate geoduck harvest log must be used for each separate tract for each month fished.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 220-52-01900D GEODUCK CLAMS (79-45)

**WSR 79-10-063**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-90—Filed September 18, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order protects Nisqually River chinook while affording the opportunity to harvest pink salmon.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 18, 1979.  
By Gordon Sandison  
Director

NEW SECTION

WAC 220-28-013G0E MESH RESTRICTION  
Effective immediately through September 22, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with net gear having a mesh size greater than 6 inches from the waters of the Nisqually River.

WSR 79-10-064  
ADOPTED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)  
[Order 133—Filed September 18, 1979]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 356-14-110 Salary—~~((Original))~~ Periodic increment dates—~~Original—Subsequent.~~
- Amd WAC 356-14-120 Salary—Periodic increment date—Promotion.
- Amd WAC 356-14-140 Salary—Increase on promotion.
- Amd WAC 356-15-020 Work period designations.
- Amd WAC 356-15-030 Overtime provisions and compensation.
- Amd WAC 356-18-050 Sick leave—Purpose ~~((and))~~—Accrual—Conversion.
- Amd WAC 356-18-120 Miscellaneous leave.
- Amd WAC 356-18-140 Leave without pay.

This action is taken pursuant to Notice No. WSR 79-08-085 filed with the code reviser on July 27, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 13, 1979.  
By Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-14-110 SALARY - ((ORIGINAL)) PERIODIC INCREMENT DATES - ORIGINAL - SUBSEQUENT. (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified; provided

- (a) The employee's basic salary is not already at or above the maximum step of the assigned range, or
- (b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the increase will be two salary schedule increments; except

- (a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basis salary above the maximum of the range of the employee's classification, or
- (b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or
- (c) The dollar amount increase is stated otherwise in the Compensation Plan Appendix or chapter 15.

(3) The original periodic increment date for an employee is:

- (((+))) (a) Six continuous months from the date the employee began work at the first step of a salary range((-), or
- (((2))) (b) One calendar year from the date on which the employee began work at an intervening salary step; provided that in either (((+)) or (2))) (a) or (b):
- (((a))) (i) Any work period starting before the 16th of the month will count as a full month.
- (((b))) (ii) Any work period starting after the 15th of the month will not be counted.
- (iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(((3))) (4) The date shall be recomputed following leaves of absence without pay, in accordance with ((the Rules governing leave without pay)) WAC 356-18-220, breaks in serve due to reduction-in-force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(((4))) (5) ((Employees in the maximum step of the salary subrange will lose their periodic increment date.)) A periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the Merit System Rules.

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

AMENDATORY SECTION (Amending Order 109, filed 9/7/77)

WAC 356-14-120 SALARY - PERIODIC INCREMENT DATE - PROMOTION. ((Employees)) An employee who receives a salary increase through promotion shall retain ((their)) his/her present periodic increment date except:

(1) When the employee is placed at the first step ((of the new salary subrange after promotion)), the employee either retains ((the)) his/her present periodic increment date or assumes a new one ((occurring)) six calendar months from the promotion, whichever date occurs first((, unless the employee has been promoted more than one full range from another first step, in which case he/she assumes the new date, or)).

((2)) When the employee is paid at the first step of the new salary subrange after promotion, and the employee is being promoted three full ranges or more from a step two dollar amount and the promotion was not over an intervening class in the class series nor caused a change in domicile to be within a reasonable commuting distance, then the periodic increment date will be reset six months from the date of the promotion.))

((3)) (2) An employee with no periodic increment date, because he/she is being promoted from a maximum step or a Y-rated amount above the maximum step of a range, will assume a new periodic increment date if the employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110.

((4)) The date shall be recomputed following unpaid leaves of absence in accordance with the Rules governing leave without pay.))

AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-14-140 SALARY - INCREASE ON PROMOTION. (1) An employee who is promoted ((shall be paid at the first step which represents an increment increase)) less than six basic salary ranges shall have his/her salary increased by the next two salary schedule increments over the basic salary he/she received immediately prior to the promotion, or ((at the first step of the new subrange, whichever is higher, except:))

(a) To the minimum step of the newly assigned range, if the minimum dollar amount is higher, or

(b) To the maximum step of the newly assigned range, if a two-increment increase would have otherwise placed the employee above the maximum step of the range, or

(c) To the next higher salary schedule dollar amount which would represent more than a one-increment increase but no more than a two-increment increase, if the employee's basic salary was between two salary schedule steps, and (a) or (b) above do not apply.

((1)) (2) When an employee is promoted to a new classification at least ((three full)) six basic salary ranges above his/her former classification, he/she shall ((receive more than a one-increment increase but no more than a two-increment increase)) have his/her salary increased by the next four salary schedule increments over

his/her former basic salary((:)); or ((the first step in the new subrange, whichever is higher, however;))

((2)) (3) When an employee is promoted ((over an intervening class in the class series or from one class series to a higher class series and passes over a lower classification in the new series, which would still represent a promotion, he/she shall be paid at the closest step in the new subrange that represents at least a two-increment increase over his/her former basic salary, or the first step in the new subrange, whichever is higher.)) in either situation (a) or (b) below, his/her salary shall be increased by the next four salary schedule increments over his/her former salary:

(a) The employee is promoted over an intervening class in his/her class series, or

(b) An employee is promoted from one class series to a higher class series and over an intervening class in the new series which would have represented a promotion.

((3)) (4) Whenever a promotion would require an employee to move his/her residence to another geographic area to be within a reasonable commuting distance ((to)) of the new place of work, he/she shall ((be paid at the closest step in the new subrange that represents at least a two-increment increase over his/her)) have his/her salary increased by the next four salary schedule increments over the former basic salary ((or the first step in the new subrange, whichever is higher.))

((4)) (5) Employees ((are not)) will be entitled to ((both)) only one of the increases ((for promoting over an intervening class and the increase for moving to be within a reasonable commuting distance when they)) of (2), (3) or (4) above, and not the accumulation, when the situations happens within 12 months of each other.

(6) When the increase prescribed in (2), (3) and (4) above would result in a salary above the maximum of a range or the increase was from an amount between the steps, then the same limitations prescribed in (1) (a), (b) or (c) will prevail.

(7) Any additional salary ranges that were afforded by a special pay provision shall not be used in the above computations.

(8) The dollar amount increase is stated otherwise in the Compensation Plan Appendix or chapter 15 but will not be used in the above computation.

(9) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules.

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

AMENDATORY SECTION (Amending Order 113, filed 11/30/77)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. The Personnel Board shall assign a specific work period designation to each classification. The Personnel Board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-

wide designation. Each position shall be assigned only one designation.

(1) Scheduled (S) :

(a) Standard: Full time positions with conditions of employment which may be completed ~~((m))~~ within five ((5)) consecutive work days each having the same starting time and lasting not more than eight ~~((8))~~ working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which ~~((can))~~ may be ~~((scheduled))~~ completed within: ~~((five (5) work days lasting not more than eight (8) working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off, or within four (4) work days lasting not more than 10 working hours each within the same workweek, or ten (10) consecutive work days with four consecutive days off.))~~

(i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(ii) Four work days lasting not more than ten working hours each within the same workweek; or

(iii) Ten consecutive work days with four consecutive days off; or

(iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the Registered Nurse class series who work in an institutional hospital primarily engaged in the care of residents.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(2) Nonscheduled (NS) : Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty ~~((4))~~ working hours within the workweek. These positions normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours.

(3) Exceptions (E) : In determining which positions are designated in the "Exceptions" work period, the Personnel Board shall consider the following factors:

(a) Positions which meet the definition (WAC 356-06-010) of Administrative Personnel, Agricultural Personnel, Executive Personnel, Housed Personnel, Law Enforcement Personnel, Professional Personnel.

(b) Positions which have historically been paid overtime by the State.

(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.

(d) Other factors it may deem to be appropriate.

AMENDATORY SECTION (Amending Order 113, filed 11/30/77)

WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) The following conditions constitute overtime:

(a) For full time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in a scheduled four-teen consecutive day period as authorized under WAC 356-15-020 (1) (b) (iv).

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Law enforcement work in excess of 240 hours in a work period of 28 consecutive days (60 hours in a work period of 7 consecutive days or in the case of any work period between 7 and 28 days, a proportionate number of hours in such a work period).

(2) Scheduled work period employees shall receive overtime compensation for work which meets (1)(a) through (d). However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets (1)(b) through (d) and may be paid overtime compensation for work which meets (1)(a).

(4) Exception work period employees are not normally compensated beyond their regular rate of pay for work which meets (1)(a) through (d). However, they may be compensated for any of those conditions if their appointing authority deems it appropriate. The rate of overtime compensation may be fixed by the appointing authority but may not exceed time-and-one-half the regular rate of pay for these employees.

Law enforcement employees shall receive overtime compensation for work that meets (1)(e) and at the rate of time-and-one-half.

(5) Unless otherwise provided in the work period designations or other Personnel Board decisions, the rate of overtime compensation for Scheduled and Nonscheduled work period employees shall be time-and-one-half.

Overtime compensation shall be paid in either cash or compensatory time off, provided that such compensation is paid in a manner consistent with the overtime liquidation provisions of the Merit System Rules.

Only when an agency and the employee agree may compensatory time off be used in lieu of cash compensation for overtime. When compensatory time is utilized by Scheduled or Nonscheduled work period employees it shall be compensated at the rate of time-and-one-half.

AMENDATORY SECTION (Amending Order 80, filed 7/16/75)

WAC 356-18-050 SICK LEAVE CREDIT—PURPOSE ((AND))—ACCRUAL—CONVERSION.

(1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) ~~((One day))~~ Eight hours of sick leave credit shall be granted for each month in which a full-time employee is in pay status for 15 or more calendar days.

(3) ~~((No form of compensation or other form of leave with pay may be granted for sick leave credits:))~~ Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds 480 hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979 due to retirement or death shall be compensated for their total unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the Department of Retirement Systems (DRS).

(c) No contributions are to be made to the Department of Retirement Systems (DRS) for such payments in (a) or (b) above, nor shall such payments be reported to DRS as compensation.

(4) An employee who separates for any reason other than retirement or death shall not be paid for his/her accrued sick leave.

~~((4))~~(5) Former employees who are again employed within two years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050 (3) (b).

~~((5))~~(6) Employees coming under the jurisdiction of the State Personnel Board from the jurisdiction of the Higher Education Personnel Board by the provisions of WAC 356-06-055(4) shall be credited with their sick leave accumulated with the Higher Education system.

**AMENDATORY SECTION** (Amending Order 77, filed 5/7/75)

**WAC 356-18-120 MISCELLANEOUS LEAVE.**

(1) ~~((An appointing authority may allow))~~ ~~((h))~~ Leave with pay may be allowed to permit an employee to take an examination for a State position, serve as a member of a jury, or perform other civil duties.

(2) Employees who receive compensation for performing civil duties during working hours shall retain their

regular salary but the amount of such additional compensation up to the amount of the employee's basic salary shall be returned or credited back to the agency. The employees shall retain travel reimbursement, and per diem, if any.

**AMENDATORY SECTION** (Amending Order 123, filed 9/26/78)

**WAC 356-18-140 LEAVE WITHOUT PAY.** (1) Leave without pay may be allowed ~~((by the appointing authority))~~ when such leave will not operate to the detriment of the State Service.

(2) Leave without pay may be authorized for any reasons applicable to:

(a) Leave with pay.

(b) Educational leave.

(c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority and approved by the Director of Personnel.

(3) Leave of absence without pay shall not be allowed to an extent aggregating more than 12 months in any consecutive period of five years, except for leaves of absence for military, U.S. Public Health Service, Peace Corps, authorized government leave of no more than two years' duration, for employees receiving time loss compensation or for leaves under provisions of WAC 356-39-120.

**WSR 79-10-065**

**ADOPTED RULES**

**COLUMBIA BASIN COLLEGE**

[Order 79-3, Resolution 79-3—Filed September 18, 1979]

Be it resolved by the board of trustees, of the Columbia Basin Community College District No. 19, acting at Columbia Basin Community College Board Room, Pasco, Washington, that it does promulgate and adopt the annexed rules relating to tuition and fee waivers for full-time employees, WAC 132S-195-010.

This action is taken pursuant to Notice No. WSR 79-08-001 filed with the code reviser on 7/5/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapters 28B.10 and 28B.50 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1979.

By F. L. Esvelt  
Secretary



## Chapter 132S-195

## Tuition and Fee Waivers for Full-time Employees

NEW SECTION

**WAC 132S-195-010 TUITION AND FEE WAIVERS FOR FULL-TIME EMPLOYEES.** Pursuant to the authority granted by chapter 82, Laws of 1979, Columbia Basin College is authorized to and shall waive tuition, operating, and service and activities fees for full-time employees under the following conditions:

(a) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college.

(b) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students enrolled on the basis of waivers under this section.

(c) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled pursuant to the provisions of this section be considered in any enrollment statistics which would affect budgetary determinations.

(d) Computations of enrollment levels, student-faculty ratio, or other similar enrollment rated statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(e) Employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter.

(f) The number of courses per quarter for which an employee may enroll pursuant to this section is limited to no more than the equivalent of 5 quarter hours per quarter.

(g) Employees taking tuition free courses shall do so after their normal working hours; any exception will require special permission of the employee's dean level supervisor and the president.

(h) The definition of full-time professional employee, for the purposes of this policy statement, shall be as stated in WAC 132S-08-020, and WAC 132S-190-020; definition of full-time classified employee, for the purposes of this policy statement, shall be as stated in WAC 251-04-020.

**WSR 79-10-066****EMERGENCY RULES****COLUMBIA BASIN COLLEGE**

[Order 79-4, Resolution 79-4—Filed September 18, 1979]

Be it resolved by the board of trustees, of the Columbia Basin College District No. 19, acting at Columbia Basin College, Pasco, Washington, that it does promulgate and adopt the annexed rules relating to tuition and fee waivers for displaced homemakers, chapter 132S-197 WAC.

We, Board of Trustees, Columbia Basin College, find that an emergency exists and that the foregoing order is

necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is necessity to waive tuition and fees for displaced homemakers beginning with Fall Quarter, 1979. Time frames necessary for adoption of permanent rules preclude waiving such tuition and fees until Winter Quarter, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 262, Laws of 1979 1st ex. sess. and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Board of Trustees, Columbia Basin College as authorized in chapter 28B.10 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 10, 1979.

By F. L. Esvelt  
Secretary

## Chapter 132S-197

**TUITION AND FEE WAIVER FOR DISPLACED HOMEMAKERS****WAC**

132S-197-010 Authority

132S-197-012 Definition of Displaced Homemakers

NEW SECTION

**WAC 132S-197-010 AUTHORITY TO WAIVE TUITION AND FEES FOR DISPLACED HOMEMAKERS.** Pursuant to the authority granted by Chapter 262, Laws of 1979, Columbia Basin College is authorized to, and may waive tuition, operating and services and activities fees for displaced homemakers.

**WAC 132S-197-012 DEFINITION OF DISPLACED HOMEMAKERS.** Displaced homemakers are persons who:

a. have worked in the home for ten or more years providing unsalired household services for family members on a full-time basis; and

b. are not gainfully employed;

c. need assistance in securing employment; and

d. have been dependent on the income of another family member but are no longer supported by that income, or have been dependent on federal assistance, or are supported as the parents of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-067**  
**PROPOSED RULES**  
**COLUMBIA BASIN COLLEGE**  
 [Filed September 18, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Columbia Basin College intends to adopt, amend, or repeal rules concerning tuition and fee waivers for displaced homemakers, chapter 132S-197 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 7 p.m., Monday, December 3, 1979, in the Board Room, Columbia Basin College.

The authority under which these rules are proposed is chapter 262, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to December 1, 1979, and/or orally at CBC Board Room, 7 p.m., Monday, December 3, 1979.

Dated: September 10, 1979

By: F. L. Esvelt  
 Secretary

**NEW SECTION**

**WAC 132S-197-010 AUTHORITY TO WAIVE TUITION AND FEES FOR DISPLACED HOMEMAKERS.** Pursuant to the authority granted by Chapter 262, Laws of 1979, Columbia Basin College is authorized to, and may waive tuition, operating and services and activities fees for displaced homemakers.

**WAC 132S-197-012 DEFINITION OF DISPLACED HOMEMAKERS.** Displaced homemakers are persons who:

a. have worked in the home for ten or more years providing unsalired household services for family members on a full-time basis; and

b. are not gainfully employed;

c. need assistance in securing employment; and

d. have been dependent on the income of another family member but are no longer supported by that income, or have been dependent on federal assistance, or are supported as the parents of minor children by public assistance or spousal support but whose children are within two years of reaching their majority.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-068**  
**EMERGENCY RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Order 134—Filed September 18, 1979]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 356-14-110	Salary—( <del>Original</del> ) Periodic increment dates— <del>Original</del> — <del>Subsequent</del> .
Amd	WAC 356-14-120	Salary—Periodic increment date—Promotion.
Amd	WAC 356-14-140	Salary—Increase on promotion.
Amd	WAC 356-15-120	Special assignment pay provisions.
Amd	WAC 356-15-130	Special pay ranges.

We, the Washington State Personnel Board, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety,

or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is in order to provide legal guidelines for the payment of salaries between the implementation date of October 1, 1979 of the salary survey implementation plan and the Appropriations Act and the effective date of the permanent adoption of the rules, therefore, effective date will be October 1, 1979.

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 13, 1979.

By Leonard Nord  
 Secretary

**AMENDATORY SECTION** (Amending Order 120, filed 5/12/78)

**WAC 356-14-110 SALARY - ((ORIGINAL)) PERIODIC INCREMENT DATES - ORIGINAL - SUBSEQUENT.** (1) The periodic increment date (PID) is the date on which an employee automatically advances to a higher dollar amount in the range to which the employee's position is classified, provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the increase will be two salary schedule increments, except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the Compensation Plan Appendix or chapter 15.

(d) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules.

(3) The original periodic increment date for an employee is:

((+)) (a) Six continuous months from the date the employee began work at the first step of a salary range((-)), or

((-)) (b) One calendar year from the date on which the employee began work at an intervening salary step, provided that in either ((+) or (-)) (a) or (b):

((+)) (i) Any work period starting before the 16th of the month will count as a full month.

~~((b))~~(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

~~((3))~~(4) The date shall be recomputed following leaves of absence without pay, in accordance with ~~((the Rules governing leave without pay))~~ WAC 356-18-220, breaks in service due to reduction-in-force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

~~((4))~~(5) ~~((Employees in the maximum step of the salary subrange will lose their periodic increment date.))~~ A periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the Merit System Rules.

#### AMENDATORY SECTION (Amending Order 109, filed 9/7/77)

WAC 356-14-120 SALARY - PERIODIC INCREMENT DATE - PROMOTION. ~~((Employees))~~ An employee who receives a salary increase through promotion shall retain ~~((their))~~ his/her present periodic increment date except:

(1) When the employee is placed at the first step ~~((of the new salary subrange after promotion))~~, the employee either retains ~~((the))~~ his/her present periodic increment date or assumes a new one ~~((occurring))~~ six calendar months from the promotion, whichever date occurs first ~~((unless the employee has been promoted more than one full range from another first step, in which case he/she assumes the new date, or))~~.

~~((2))~~ When the employee is paid at the first step of the new salary subrange after promotion, and the employee is being promoted three full ranges or more from a step two dollar amount and the promotion was not over an intervening class in the class series nor caused a change in domicile to be within a reasonable commuting distance, then the periodic increment date will be reset six months from the date of the promotion.)

~~((3))~~(2) An employee with no periodic increment date, because he/she is being promoted from a maximum step or a Y-rated amount above the maximum step of a range, will assume a new periodic increment date if the employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110.

~~((4))~~ The date shall be recomputed following unpaid leaves of absence in accordance with the Rules governing leave without pay.)

#### AMENDATORY SECTION (Amending Order 120, filed 5/12/78)

WAC 356-14-140 SALARY - INCREASE ON PROMOTION. (1) An employee who is promoted ~~((shall be paid at the first step which represents an increment increase))~~ less than six basic salary ranges shall have his/her salary increased by the next two salary schedule increments over the basic salary he/she received immediately prior to the promotion, or ~~((at the~~

~~first step of the new subrange, whichever is higher, except:))~~

(a) To the minimum step of the newly assigned range, if the minimum dollar amount is higher, or

(b) To the maximum step of the newly assigned range, if a two-increment increase would have otherwise placed the employee above the maximum step of the range, or

(c) To the next higher salary schedule dollar amount which would represent more than a one-increment increase but no more than a two-increment increase, if the employee's basic salary was between two salary schedule steps, and (a) or (b) above do not apply.

~~((1))~~(2) When an employee is promoted to a new classification at least ~~((three full))~~ six basic salary ranges above his/her former classification, he/she shall ~~((receive more than a one-increment increase but no more than a two-increment increase))~~ have his/her salary increased by the next four salary schedule increments over his/her former basic salary ~~((;))~~; or ~~((the first step in the new subrange, whichever is higher, however,))~~

~~((2))~~(3) When an employee is promoted ~~((over an intervening class in the class series or from one class series to a higher class series and passes over a lower classification in the new series, which would still represent a promotion, he/she shall be paid at the closest step in the new subrange that represents at least a two-increment increase over his/her former basic salary, or the first step in the new subrange, whichever is higher.))~~ in either situation (a) or (b) below, his/her salary shall be increased by the next four salary schedule increments over his/her former salary:

(a) The employee is promoted over an intervening class in his/her class series, or

(b) An employee is promoted from one class series to a higher class series and over an intervening class in the new series which would have represented a promotion.

~~((3))~~(4) Whenever a promotion would require an employee to move his/her residence to another geographic area to be within a reasonable commuting distance ~~((to))~~ of the new place of work, he/she shall ~~((be paid at the closest step in the new subrange that represents at least a two-increment increase over his/her))~~ have his/her salary increased by the next four salary schedule increments over the former basic salary ~~((or the first step in the new subrange, whichever is higher.))~~

~~((4))~~(5) Employees ~~((are not))~~ will be entitled to ~~((both))~~ only one of the increases ~~((for promoting over an intervening class and the increase for moving to be within a reasonable commuting distance when they))~~ of (2), (3) or (4) above, and not the accumulation, when the situations happen within 12 months of each other.

(6) When the increase prescribed in (2), (3) and (4) above would result in a salary above the maximum of a range or the increase was from an amount between the steps, then the same limitations prescribed in (1) (a), (b) or (c) will prevail.

(7) Any additional salary ranges that were afforded by a special pay provision shall not be used in the above computations.

(8) The dollar amount increase is stated otherwise in the Compensation Plan Appendix or chapter 15 but will not be used in the above computation.

(9) Increases will not be provided as above when teachers' salaries are prescribed in the teachers and principal salary schedules.

**AMENDATORY SECTION** (Amending Order 130, filed 7/16/79)

**WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS.** Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision, training and counseling of mentally retarded residents or mental patients. Basic salary range plus ~~((one))~~ two salary ranges shall be paid only to employees in the classes below who have this supervision assigned.

0610 - Retail Clerk 1  
0612 - Retail Clerk 2  
8003 - Food Service Aide 1  
8005 - Food Service Aide 2  
8007 - Food Service Aide 3  
8205 - Laundry Worker 1  
8430 - Seamstress 1  
8432 - Seamstress 2

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

7770 - Warehouse Worker 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Master Diver) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus ~~((one))~~ two ranges shall be paid only to employees in the classes below who are assigned these responsibilities.

0215 - PBX Operator  
0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician 3 class and the top step of the salary range representing a ~~((two))~~ four-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

7107 - Maintenance Technician 1

7109 - Maintenance Technician 2  
7111 - Maintenance Technician 3  
7115 - Maintenance Lead Technician  
7182 - Ferry Operator 1

(6) The Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: (1) such conditions are not normally expected of those positions assigned to the respective classes; and (2) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus ~~((two))~~ four ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent 1 (4110) and 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030(1)(e).

(8) Basic salary plus ~~((two))~~ four ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030(1)(e).

(9) Basic salary range plus ~~((two))~~ four ranges for each day employees within the classification of Custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus ~~((one))~~ two ranges for employees within the classification of Custodian who are assigned fulltime to a floor care crew and operate heavy duty floor cleaning and waxing equipment.

**AMENDATORY SECTION** (Amending Order #109, filed 9/7/77)

**WAC 356-15-130 SPECIAL PAY RANGES.** Classes to which a special range applies are marked with the applicable letter designation after their range number in the Compensation Plan.

Special pay ranges are used to more nearly parallel unusual prevailing pay ranges in other governmental jurisdictions and in private industry.

(1) "~~((A, B, C, D and))~~ E" Range~~((s))~~: ~~((These))~~ range~~((s))~~ ~~((are))~~ is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "~~((A, B, C, D or))~~ E" range is a standard range with the first ~~((two))~~ four steps removed. Thus, the minimum step of such a range is the same as ~~((the third))~~ step E of the standard range having the same range number. Periodic increases through the steps of ~~((these))~~ this range~~((s))~~ are made at the same time intervals as through standard ranges, i.e., a ~~((one))~~ two-step increase after 6 months at step E and ~~((one))~~ two annually thereafter up to the maximum step of the range.

(2) (~~((K))~~) "L" Range: This special ~~((four-step))~~ range is used only for the class of Liquor Store Clerk (0628). The (~~((K))~~) "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. ~~((For this reason, the four steps of the "K" range are patterned as shown in the example below. The example is for range 21K. (The~~

~~dollar signs represent standard steps in the Salary Schedule, the numbers in the far left column represent standard range numbers, the arrows represent the periodic increases for the "K" range, and the underlined numbers represent the step numbers for the "K" range.)) Periodic increases through the steps of the ((<sup>n</sup>"K<sup>n</sup>")) "L" range are made at the same time intervals as through a standard range. Normal progression is steps A, D, G and K, which represents ten percent per periodic increase.~~

Example

Steps

~~((1 2 3 4 5 6~~

~~Range 20.1 \$714 \$ \$ \$ \$ \$~~

~~Range 21.1 \$ \$787 \$ \$867 \$ \$957~~

~~Note: While 21K is used as the example above, the pattern of adjustment applies to whatever salary range is assigned to the Liquor Store Clerk class. Dollar amounts for each step are from July 1, 1977 Compensation Plan.))~~

A B C D E F G H I J K

Range 22L \$868 890 912 959 983 1007  
1058 1085 1112 1140 1168

NOTE: This atypical range will not be found in the Washington State Salary Schedule.

(3) "M" Range: This special range is used only for the class of Job Service Center Interviewer Assistant (3006). It is comprised of steps A, B and C only.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-069**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed September 19, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning prohibiting parking along the west side of State Route 99, just north of its junction with South 288th Street, amending WAC 468-42-099;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, November 19, 1979, in the Board Room, Room 1D 9, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 46.61.570.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 19, 1979, and/or orally at 10:00 a.m., Monday, November 19, 1979, Board Room,

1D9, Highway Administration Building, Olympia, Washington.

Dated: September 19, 1979

By: V.W. Korf  
Deputy Secretary

AMENDATORY SECTION (Amending Order 31, filed 7/23/79)

WAC 468-42-099 STATE ROUTE 99. (1) Federal Way vicinity. Parking is prohibited on both sides of State Route 99 from the junction with So. 348th St., Mile Post 8.14 to the junction of South 304th Street, Mile Post 10.94, a distance of 2.80 miles.

(2) Intersection of South 288th Street. Parking is prohibited on the west side of State Route 99 from the junction of South 288th Street, at Mile Post 11.90, north to Mile Post 11.98, a distance of 0.08 mile.

(3) Intersection of South 272nd Street. Parking is prohibited on the east and west sides of State Route 99 for a distance of 200 feet, north of the intersection of State Route 99 with South 272nd Street, Mile Post 12.92 to Mile Post 12.96, a distance of 0.04 mile.

((3)) (4) Seattle-Tacoma Airport vicinity. Parking is prohibited on both sides of State Route 99 between South 188th Street at Mile Post 18.35 and South 170th Street in the vicinity of the Seattle-Tacoma Airport at Mile Post 19.47, a distance of 1.12 miles.

((4)) (5) N. 184th to N. 185th. Parking is prohibited between North 184th Street at Mile Post 42.43 and North 185th Street on State Route 99 at Mile Post 42.49, a distance of 0.06 mile.

((5)) (6) Vicinity of North 192nd Street, King county. Parking is prohibited on the east and west sides of State Route 99 from a point 1,000 feet south of the intersection of North 192nd Street at Mile Post 42.61, northerly to a point 750 feet north of the intersection of North 192nd Street, Mile Post 42.94, a distance of 0.33 mile.

((6)) (7) South of Everett. Parking is prohibited on the east and west sides of State Route 99 in the vicinity of 168th Street S.W. approximately 10 miles south of Everett from Mile Post 48.71 northerly to Mile Post 48.86, a distance of 0.15 mile.

((7)) (8) Vicinity of 112th Street S.W., Snohomish county. Parking is prohibited on both sides of State Route 99 in Snohomish county from Mile Post 52.36, which is 0.50 mile south of 112th Street S.W., northwesterly to the junction with 112th Street S.W. at Mile Post 52.86, a distance of 0.50 mile.

**WSR 79-10-070**

**ADOPTED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Order 79-06—Filed September 19, 1979]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA 98504 that it does promulgate and adopt the annexed rules relating to Public Disclosure Commission regular meetings, amending WAC 390-12-010.

This action is taken pursuant to Notice No. WSR 79-08-098 filed with the code reviser on July 30, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 18, 1979.  
By Graham E. Johnson  
Administrator

**AMENDATORY SECTION** (Amending Order 62, filed 8/26/75)

**WAC 390-12-010 PUBLIC DISCLOSURE COMMISSION—REGULAR MEETINGS.** Pursuant to section 7, chapter 250, Laws of 1971 1st ex. sess. and RCW 42.30.070, regular meetings of the Public Disclosure Commission shall be held on the ((third)) fourth Tuesday of each calendar month beginning at 9:00 A.M. Such meeting shall be held at a place designated by the chairman of the commission. If the fourth Tuesday falls on a legal holiday, the regular meeting shall be held on the third Tuesday of that month.

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

### WSR 79-10-071

#### PROPOSED RULES

#### DEPARTMENT OF NATURAL RESOURCES

(Board of Natural Resources)

[Filed September 19, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.30.150, that the Board of Natural Resources, Department of Natural Resources, intends to adopt, amend, or repeal rules concerning management of state-owned aquatic lands under the jurisdiction of the Department of Natural Resources.

Written submissions may also contain data, views, and arguments concerning the effect of the proposed rules on economic values, pursuant to chapter 43.21H RCW.

Correspondence relating to this notice and the proposed rules should be addressed to:

The Department of Natural Resources  
Marine Lands Division  
Public Lands Building  
Olympia, Washington 98504;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, November 6, 1979, in the Commissioner of Public Lands Office, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1979.

Dated: September 14, 1979

By: Bert L. Cole

Commissioner of Public Lands  
Secretary, Board of Natural Resources

Chapter 332-30

#### AQUATIC LAND MANAGEMENT

WAC

332-30-100 Background  
332-30-103 Purpose and Applicability

332-30-106	Definitions
332-30-109	Harbor areas
332-30-112	Establishment of areas for navigation and commerce outside of Harbor areas.
332-30-115	Harbor Area Use Classes
332-30-118	Tidelands, Shorelands and Beds of Navigable Waters
332-30-121	Aquatic Land Use Classes
332-30-124	Aquatic land use authorization
332-30-127	Unauthorized Use and Occupancy
332-30-130	Public Use
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332-30-136	Houseboats
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332-30-145	Booming, Rafting and Storage of Logs
332-30-148	Swim Rafts and Mooring buoys
332-30-151	Reserves
332-30-154	Marine Aquatic Plant Removal
332-30-157	Commercial Clam Harvesting
332-30-160	Renewable Resources
332-30-163	River Management
332-30-166	Open Water Disposal Sites
332-30-169	Artificial Reefs

#### NEW SECTION

**WAC 332-30-100 BACKGROUND.** (1) Introduction. The Department manages 1,300 miles of tidelands, 6,700 acres of constitutionally established harbor areas and all of the submerged land below extreme low tide which amounts to some 2,000 square miles of marine beds of navigable waters and an undetermined amount of fresh water shoreland and bed. These lands are managed as a public trust and provide a rich land base for a variety of recreational, economic and natural process activities. As the manager of these public lands, it is important to introduce sound management concepts, philosophies and programs which address the issue of public trust and multiple use. These lands are managed to maximize the benefit to all citizens of the State. These benefits are realized when space is provided for:

(a) a variety of recreational and economic activities;

(b) when environmental standards of monitoring and enforcement agencies are adhered to; and

(c) when the productivity and environmental quality of the aquatic lands are maintained while continuing to provide for the needs of the public.

The Department exercises its control over land use of State-owned lands through leases, use easement, permits and deeds. Conveyance of public rights to private parties on these public lands by gift without adequate compensation is unconstitutional. State law requires that the public be compensated whenever public land is withdrawn from open public use.

Other government agencies, local, state and federal, administer laws and regulations which also govern activities on aquatic lands. In order to benefit from the expertise and experience of other agencies involved in aquatic land matters, the Commissioner of Public Lands seeks the advice of the Marine Resources Advisory Committee. This is an Ad Hoc Committee composed of state, federal and local government units. The Department of Ecology and local units of government have been directed by the legislature through the Shoreline Management Act of 1971 (RCW 90.58) to develop comprehensive shoreline master programs for the shorelines and aquatic lands of the State. City and county programs have been approved and adopted as State regulations for development on aquatic lands. The Department will attempt to insure that its allocations, leases, uses and activities are consistent with local programs. When the Department determines that a local program is not in the best public interest, or conflicts with the Statewide interest or with proposed Departmental aquatic land use allocations or activities, the Department will work with the local agency to resolve such conflicts.

(2) Public Trust Concept. The concept of public trust is that State-owned tidelands, shorelands and all beds of navigable waters are held in trust by the State for all citizens with each citizen having an equal and undivided interest in all land. The Department has the responsibility to manage these lands in the best interest of the general public. This concept has been implemented by the Department through the development of management programs that

(a) compensate the public for withdrawal of lands by private and public activities which reduce the use options of the general public;

- (b) provide more opportunities for public use of public land;
- (c) provide greater returns in food and dollars from cultivating and harvesting resources from the sea and other State-owned aquatic lands;
- (d) enhance the State's position as a shipping and water transportation center; and
- (e) protect biological productivity and natural systems of the aquatic environment to the greatest extent reasonably feasible.

Embodied in the concept of compensating the public for private use, is the recognition that our natural resources are not free and aquatic lands are as valuable or more valuable than other lands. Under competitive economic climates, realistic values placed on these lands will result in better land use decisions.

In addition, various uses of the aquatic lands have different impacts on the public's use of the water column and surface. Therefore monetary return to the public by way of leases for uses that occupy and impede the water surface and column is greater than where a lessee uses the aquatic lands but does not occupy the water surface and column in any long-term lease.

Equally important is the use of supplemental assessments charged to the lessee for land use impacts that withdraw existing biological resources.

The funds derived from monetary compensation to the public for uses that withdraw the aquatic land base and impact marine biological resources can be used to reduce the general tax burden, expand public use facilities and improve the productivity and quality of aquatic lands and waters. This approach requires a management plan for the use of these dollars that establishes priorities and schedules for such programs as public beach marking, underwater habitat improvement, seaweed and shellfish research and enhancement, and inventory of and planning for the use of these lands.

(3) **Multiple Use Management.** Since the aquatic lands of Washington are a limited and finite resource, it is necessary that management of these lands allow for multiple use by compatible activities to the greatest extent and practically feasible. The management program is designed to provide for the best combination of aquatic uses that are compatible, yet minimize adverse environmental impacts. Under careful planning and multiple use management a variety of uses and activities, such as navigation; public use; production of food; energy; minerals and chemicals; and improvement of aquatic plant and animal habitat, can occur simultaneously or seasonally on Department of Natural Resources managed land suited for those purposes. This concept has incorporated in it, the avoidance of permanent single purpose uses on non dedicated aquatic lands that have multiple use potential. In most cases, the concept includes the identification of the primary use of the land, but provides for compatible secondary uses. Plans for the use of these lands should identify the primary use and establish performance standards which will insure that secondary uses do not conflict with primary use activities.

Management of the aquatic land base outside a harbor area is designed to provide for most of the area to remain free of surface structures that obstruct use of the water column and surface, however, certain primary uses that do obstruct surface navigation will be authorized. Lease provisions allow for periodic consideration of renewal and for reevaluation of compensation to the public for uses that withdraw the surface area.

Another aspect of multiple use management, whether considering planned single uses or simultaneous uses, is protection and maintenance of marine plants and animals. This is accomplished through lease restrictions and consultation with other resource and regulatory agencies.

See also RCW 79.68.020.

#### NEW SECTION

**WAC 332-30-103 PURPOSE AND APPLICABILITY.** These regulations implement policies and guidelines adopted by the Board of Natural Resources as authorized under RCW 43.30.150. They apply to all Department of Natural Resources managed tidelands, shorelands, harbor areas and beds of navigable waters and equally to all persons and public entities. These regulations apply only to Department of Natural Resources managed activities and are not intended to supersede laws and regulations administered by other governmental agencies covering activities falling under their jurisdiction on these same lands.

#### NEW SECTION

**WAC 332-30-106 DEFINITIONS.** For the purpose of this chapter:

(1) "Accretion" means the natural result occurring from the buildup through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain a sustained yield, and processing of aquatic plants or animals.

(4) "Aquatic Land" means Department of Natural Resources managed tidelands, shorelands, harbor areas, bedlands, bar islands, avulsively abandoned river beds and channels of all navigable river areas of the State. Aquatic land is also known as Public Lands (RCW 79.01.004).

(5) "Avulsion" means a sudden and perceptible change in the channel of a body of water. Generally no change in boundary lines occurs.

(6) "Beds of Navigable Waters" means those submerged lands lying below the line of extreme low tide in navigable tidal waters and below the line of navigability in navigable lakes, rivers and streams. The term, bedlands is synonymous with beds of navigable waters.

(7) "Commerce" means the exchange or buying and selling of commodities on a large scale involving transportation from place to place. As it applies to aquatic land, commerce to be successful requires the land/water interface.

(8) "Covered Moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(9) "Department" means the Department of Natural Resources.

(10) "Dredging" means enlarging or cleaning out a river channel, harbor, etc., for navigation purposes, or for securing sand and gravel materials.

(11) "Educational Reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(12) "Enclosed Moorage" means moorage that has completely enclosed roof, side and end walls. Boathouse, i.e., similar to a car garage.

(13) "Environmental Reserves" means areas of key environmental importance which are threatened with degradation, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest which are threatened with degradation by over-use and require special protective management.

(14) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(15) "Extreme Low Tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, 0.0 Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation is somewhat less.

(16) "First Class Shorelands" means lands bordering on the shores of a navigable river or lake not subject to tidal flow, between the line of ordinary high water and the line of navigability and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.01.028).

(17) "First Class Tidelands" means the lands lying within, or in front of, the corporate limits of any city or within one mile thereof, upon either side and between the line of ordinary high tide and the inner harbor line where harbor lines have been established and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.01.020).

(18) "Harbor Area" means the area of normally navigable waters between the inner and outer harbor lines where established in front of and within one mile of the corporate limits of an incorporated city or town by the Board of Natural Resources acting as the State Harbor Lines Commission in accordance with the provisions of section 1 of article 15 of the State Constitution (RCW 79.01.012).



(19) "Harbor Line" means a line located and established in navigable waters as provided for in section 1 of article 15 of the State Constitution, beyond which the State shall never lease any rights whatever (outer harbor line). A line located and established in navigable waters between the line of ordinary high tide and the outer harbor line and constituting the inner boundary of the harbor area (inner harbor line) (RCW 79.01.008 and .016).

(20) "Houseboat" means a floating structure normally incapable of self propulsion usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.

(21) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the "Washington Marine Atlas."

(22) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the State takes title to newly formed islands in navigable waters.

(23) "Line of Navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the Harbor Line Commission for the body of water in question.

(24) "Management Area" means tidelands, shorelands, harbor areas and beds of navigable waters managed by the Department of Natural Resources, except those areas withdrawn to State Parks, Department of Game and the Federal Government.

(25) "Marine Land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including tidal and submerged lands.

(26) "Marine Resources Advisory Committee" means an ad hoc committee which provides advice on marine land management problems to the Commissioner of Public Lands.

(27) "Meander Line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(28) "Motorized Vehicular Travel" means movement by any type of motorized equipment over land surfaces.

(29) "Multiple Use Management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

(30) "Navigability or Navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The State of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

(31) "Navigation" means the movement of vessels to and from docks and wharves.

(32) "Open Moorage" means moorage slips and mooring floats that have completely open sides and tops.

(33) "Ordinary High Tide" means the same as mean high tide or the average of the higher levels of tide water flow. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water 0.0.

(34) "Public Tidelands" means tidelands belonging to and held in public trust by the State for the citizens of the State, which are not devoted to or reserved for a particular use by law.

(35) "Public Trust" means that certain tidelands, shorelands and all beds of navigable waters are held in trust by the State for all citizens with each citizen having an equal and undivided interest in the land. The Department has the responsibility to manage these lands in the best interest of the general public.

(36) "Public Use" means those aquatic lands made available daily to the general public on first-come, first-served basis, and which may not be leased to private parties on any more than a day use basis.

(37) "Public Use Beach-General" means a State-owned beach identified for public use generally associated with some upland development.

(38) "Public Use Beach-Wilderness" means a State-owned beach not associated with upland development or if there is any development there is a significant physical barrier between the beach and that development.

(39) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

(40) "Renewable Resource" means a natural resource which through natural ecological processes is capable of renewing itself.

(41) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

(42) "Scientific Reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

(43) "Second Class Shorelands" means lands bordering on the shores of a navigable river or lake not subject to tidal flow, between the line of ordinary high water and the line of navigability, and more than two miles from corporate limits of any city or town (RCW 79.01.032).

(44) "Second Class Tidelands" means the area outside of and more than two miles from the corporate limits of an incorporated city or town extending from the ordinary high tide line to the line of extreme low tide (RCW 79.01.024).

(45) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

(46) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(47) "Thread of Stream - Thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

(48) "Wetted Perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

#### NEW SECTION

WAC 332-30-109 HARBOR AREA (1) Harbor areas shall be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(2) Water dependent and water oriented commerce shall be given preference over other uses of harbor areas.

(3) Every consideration shall be given to meeting the expanding need for navigation and water dependent commerce in existing harbor areas.

(4) Several industries using the same harbor area facility shall be given preference over single industry use.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses, in areas requiring extensive maintenance dredging.

(6) Harbor lines may be adjusted, when authorized by the legislature, to provide reasonable opportunity to meet the present and future needs of commerce and navigation.

(7) In harbor areas where no current constitutional use is called for or practical and other uses are in demand, interim non-conforming uses may be authorized if in the public interest.

(8) The Department will, where, in the public interest promote conversion of existing non-conforming uses to conforming uses by assisting if possible, such users in resiting their operations and by withdrawing renewal options on affected State harbor area leases.

(9) The Department will promote full development of all existing suitable harbor areas for use by water dependent and water oriented commerce by supporting development and application of existing and new technology as well as a comprehensive harbor area planning program.

(10) Unsightly or unsafe abandoned structures shall be removed from harbor areas by owner of the structures upon demand by the State or by the State in which case the owner will be assessed the costs of such removal.

(11) Houseboats are a low priority use in harbor areas.

(12) Non dedicated revenue from leasing of harbor areas shall be used for marine land management programs that are of benefit to the public and to reduce the general tax burden.

(13) Harbor areas will be managed to produce revenue for the public unless withdrawn as a public place.

#### NEW SECTION

WAC 332-30-112 ESTABLISHMENT OF AREAS FOR NAVIGATION AND COMMERCE OUTSIDE OF HARBOR AREAS. (1) Harbor areas have been established to meet the needs of

commerce and navigation. Therefore establishment of facilities on aquatic lands outside of existing harbor areas for commerce must be justified on the basis of a lack of suitable space in existing harbor areas.

(2) Additional space for commerce may be considered by the Department if it meets all of the following criteria.

(a) The industry must be water dependent or water oriented.  
 (b) They must establish that their needs cannot be met by the services available or which cannot be developed in existing harbor areas or industrial areas.

(c) The industry must have approval for installation of facilities and activities from all concerned State and local governmental agencies.

#### NEW SECTION

WAC 332-30-115 HARBOR AREA USE CLASSIFICATION. These classes are based on the degree to which the use conforms to the intent of the constitution that such areas be reserved for landings, wharves, streets and other conveniences of navigation and commerce.

(1) Water dependent commerce are all uses that cannot logically exist in any other location but on the water. These are preferred harbor area uses. Leases may be granted up to 30 years with no restrictions on renewals. Typical uses are:

- (a) Public or private vessel terminal and transfer facilities which handle general commerce.
- (b) Ferry terminals.
- (c) Watercraft construction, repair, maintenance, servicing and dismantling.
- (d) Marinas and mooring areas.
- (e) Tug and barge companies.
- (f) Other aids to navigation and commerce which serve more than a single user.

(2) Water oriented commerce are commercial uses which do not service others but do not require water transport, usually of raw materials. It is possible with existing technology for these activities to be located away from the water. They are considered to be of lower priority and may be asked to yield to water dependent uses if other suitable harbor area is not available. Leases may be issued for periods up to 30 years, but contain provisions limiting renewal. Typical uses are:

- (a) Pulp and paper mills.
- (b) Lumber and plywood mills.
- (c) Fish processing plants.
- (d) Sand and gravel companies.
- (e) Petroleum handling and processing plants.

(3) Water oriented public uses are low priority uses which do not make an important contribution to navigation and commerce for which harbor areas are reserved, but which can be permitted on an interim basis providing that the harbor area involved is not needed, or is not suitable for constitutional uses. Leases may be issued for periods up to 20 years with the possibility that they may not be renewed. Typical uses are:

- (a) Public ecological and scientific reserves.
- (b) Public waterfront parks.
- (c) Public use beaches.
- (d) Aquariums available to the public.

(4) Commercial waterfront is a class for uses not related to navigation and commerce on sections of urban waterfronts which presently need not be reserved to serve statewide navigation and commerce purposes. Uses must be consistent with the needs of the community. Multiple use concepts will be integrated in to all leases to foster uses by the public for viewing and fishing. Maximum term is 30 years but contains provisions limiting renewal.

(a) Criteria for designation:

(i) Adequate Harbor Areas must be available to meet the State need for navigation and commerce during the succeeding 40 years.

(ii) The designation would foster accomplishment of the needs and objectives of the local community.

(5) All other uses is a class for those uses which clearly do not conform to the purpose for which harbor areas are created. Uses in this class do not require waterfront locations in order to properly function, nor are they directly associated with a water dependent or oriented use. Leases may be issued for periods up to 10 years with restrictive renewal provisions. Typical uses are:

- (a) Apartment houses.
- (b) Hotels.
- (c) Taverns.
- (d) Private residences.
- (e) Warehouses not directly associated with water borne commerce.

(f) Retail sales outlets.

(g) Resorts and convention centers.

(h) Restaurants.

(6) Areas withdrawn are harbor areas which are so located as to be currently unusable. These areas are temporarily withdrawn pending future demand for constitutional uses. No leases are issued.

#### NEW SECTION

WAC 332-30-118 TIDELANDS, SHORELANDS AND BEDS OF NAVIGABLE WATERS. (1) These aquatic lands, unless withdrawn by the Commissioner of Public Lands, will be managed to produce benefit to the public in terms of service or revenue.

(2) Non dedicated revenue from leasing of these aquatic lands shall be used for marine land management programs that are of benefit to the public and reduce the general tax burden.

(3) Water dependent and water oriented commerce shall be given preference over other uses of these aquatic lands.

(4) Development of additional sites for commerce will generally not be authorized on second class tidelands and shorelands if existing first class tidelands, shorelands and harbor areas can meet the need.

(5) Shallow draft uses, such as barge terminals and marinas, shall be preferred over deep draft uses in areas requiring extensive maintenance dredging except the Columbia River.

(6) Multiple use of existing pier and wharf facilities will be encouraged, to reduce the need for adding new facilities.

(7) Renewable resource utilization is a high priority use of aquatic lands.

(8) Whenever structures are used for aquaculture on the beds of navigable waters, they shall be located in such a way as to minimize the interference with navigation and fishing and if possible minimize adverse visual impacts.

(9) Open water disposal sites shall be provided on beds of navigable waters for certain materials that are approved for such disposal by regulatory agencies and have no beneficial value.

(10) Non-renewable resource utilization may be allowed when not in conflict with renewable resource production, utilization or public use or RCW 90.58.

(11) Certain lands may be modified in order to improve their productivity by adding structures or materials and by establishment of biological habitats such as eel grass and kelp beds as well as marsh areas.

(12) Insofar as possible uses of these aquatic lands shall have a minimum interference with surface navigation.

(13) Unsightly or unsafe abandoned structures shall be removed from these aquatic lands by the owner of the structures upon demand by the State or by the State in which case the owner will be assessed the costs of such removal.

(14) State-owned second class tidelands and shorelands will generally be maintained free of bulkheads and residences.

(15) The use of beach material from tidelands or shorelands for backfill of bulkheads and seawalls, landfill and as aggregate will generally not be allowed.

(16) Filling on second class tidelands or shorelands will generally not be permitted.

(17) When permitted, any fill on these aquatic lands must be stabilized to prevent washout into the marine environment.

(18) Material from aquatic lands will generally not be used for stream bank stabilization and revetments.

(19) Bedlands abutting upland parks may be considered for underwater parks.

(20) Anchorage areas on the beds of navigable waters may be designated by the Department for mooring boats.

(21) Houseboats are considered to be a low priority use of aquatic land.

(22) Motorized vehicular travel shall not be permitted on public use tidelands and shorelands except under limited circumstances such as a boat launch ramp.

(23) Use and/or modification of any river system shall recognize basic hydraulic principles, as well as harmonize as much as possible with the existing aquatic ecosystems, and human needs.

#### NEW SECTION

WAC 332-30-121 AQUATIC LAND USE CLASSES. There is a finite amount of frontage area on the waterways and coastline within the State of Washington and excessive demands for its use. Thus a

scarcity of this resource requires that certain uses be rated above others. This priority of uses may be based on the following categories:

(1) Water dependent uses are all uses that cannot logically exist in any other location but on the water. This is the preferred use of aquatic areas.

(i) Waterborne commerce - general cargo, bulk, petroleum, bulk foods, other liquid bulk, timber and forest products, and mineral transport.

(ii) Terminal and transfer facilities for commerce or industry.

(iii) Ferry and passenger terminals.

(iv) Watercraft construction, repair, maintenance, servicing and dismantling.

(v) Commercial moorage areas.

(vi) Commercial aquaculture.

(vii) Commercial fishing

(b) Examples of water dependent public and natural systems use.

(i) Waterfront parks.

(ii) Boat launch ramps.

(iii) Aquatic reserves.

(iv) Natural beaches allocated for public use.

(2) Water oriented uses are those uses that by locating on or near the waterfront will facilitate their operation. It is possible for these activities with existing technology to locate away from the waterfront. There are two categories of water oriented uses:

(a) Water Using Industry which requires a large volume of water for cooling, processing of materials or production of food, fiber or chemicals. Examples are:

(i) Nuclear reactor power plants.

(ii) Other power plants.

(iii) Desalination plants.

(iv) Sewer treatment plants.

(v) Petroleum refining.

(vi) Paper and allied products.

(vii) Steel mills.

(viii) Aquariums

(b) Water Linked Industry supply or use products of water dependent industries and therefore seek locations near them. Examples are:

(i) Warehouse and storage areas for bulk products.

(A) Petroleum products.

(B) Wood products.

(ii) Sand, gravel and quarry rock companies.

(iii) Fish processing plants - canning and frozen.

(iv) Plywood plants.

(v) Lumber and wood products manufacture.

(3) Non-water oriented uses are all other uses that can operate in other than waterfront locations.

(a) Examples of non-water oriented commercial uses.

(i) Resorts.

(ii) Convention centers.

(iii) Hotels.

(iv) Restaurants.

(v) Specialty retail shops.

(b) Examples of non-water oriented residential uses.

(i) Residences.

(ii) Apartment houses and condominiums.

(c) Examples of other non-water oriented uses.

(i) Industries not involved in bulk cargo transportation or extensive water consumption.

(ii) Retail outlets, i.e., gas stations, grocery stores, apparel stores, etc.

(iii) Warehouses.

(iv) Solid waste disposal and storage.

## NEW SECTION

**WAC 332-30-124 AQUATIC LAND USE AUTHORIZATION.** (1) In addition to other requirements under the law aquatic land activities that interfere with the use by the general public of an area will require authorization from the Department by way of agreement, lease, permit or other instrument.

(2) The value of Department managed tidelands, shorelands, harbor areas, and beds of navigable waters withdrawn from general public use for limited public or private use shall be recognized by charging lessees the full fair market rental. The fair market rental is based on comparable non-DNR market rents or on the full market value (same as true and fair value) multiplied by the use rate percentage as approved by the Commissioner of Public Lands. Rental may include a royalty

and/or resource withdrawal fee in addition to the fair market rental fee.

(3) Use Rate Percentage.

(a) Shall be equivalent to market rental rates for property in the locality, or

(b) Shall be equivalent to the average prime rate for the previous quarter as listed by lending institutions in the locality, or

(c) Shall be equivalent to the return obtained on invested State accounts for the previous fiscal year.

(4) Appraisals: The determination of fair market value of aquatic lands shall be based on the indications of value resulting from the application of as many of the following techniques as are appropriate for the use to be authorized:

(a) Shore Contributions, utilizing differences in value between waterfront properties and comparable non-waterfront properties;

(b) Comparable Upland Use (Substitution), utilizing capacity, development, operation, and maintenance ratios between a use on upland and similar use on aquatic land with such ratios being applied to upland value to provide indication of aquatic land value for such use;

(c) Extension, utilizing adjacent upland value necessary for total use as the value of aquatic lands needed for use on a unit for unit basis;

(d) Market Data, utilizing verified transactions between knowledgeable buyers and sellers of comparable properties;

(e) Income, utilizing residual net income of a commercial venture as the indication of investment return to the aquatic land;

(f) Such other techniques or procedures as may be needed to equitably address the uniqueness of a particular site or use so long as such techniques or procedures are based on valuation principles described in accredited appraisal textbooks, or conform to techniques or procedures used by the State Board of Tax Appeals, or as negotiated as a result of a significant difference in value as demonstrated by user's appraiser.

(5) Fair market rental on tidelands, shorelands and beds may be reduced depending on the degree to which the public may be allowed use of the same property. Total withdrawal for private use requires full fair market rental value.

(6) When revaluation of fair market value results in an increase of annual rental over 100%, phased implementation may be used to reach full rental by the end of the fifth year.

(7) Rate for Public Access & Use Areas.

(a) Reduction in rate shall be allowed for the actual area within the lease that meets public access and use requirements.

(b) The amount of reduction shall be equivalent to the proportion that public access and use expenditures make up of a private lessee's total expenditures.

(c) For port district Lessees the reduction outlined in (b) shall apply when the proportion exceeds 20% for improvements built after 1969 and exceeds 80% for improvements built prior to 1967.

(8) Leases shall be required for all structures or activities in harbor areas except for those federal structures serving the needs of navigation.

(9) When proposed uses of marine lands requiring a lease (other than in harbor areas) have an identifiable but acceptable adverse impact on Department managed land, both within and outside the leased area, a value shall be placed on that loss or impact and charged to the lessee in addition to normal rental.

(10) Leases for experimental production of renewable resources or energy on second class tidelands, shorelands or beds may be issued at minimum rates for no more than five years. At that time or earlier when the Department determines the activity is self-sufficient, full fair market rental plus royalties may be charged.

(11) Unauthorized use of aquatic land shall not be permitted and the Department may exercise any and all criminal and civil remedies available to it.

(12) When proposing to lease harbor areas to someone other than the abutting property owner, that owner shall be notified of the intention to lease the area and a reasonable effort made to accommodate the abutting owner's water access needs.

(13) The tideland or shoreland owner or lessee may lease the bed of navigable waters fronting thereto for the period of ownership or lease (within the constraints of RCW 79.01.276). This preference lease right may not extend beyond the -3 fathom contour or 200 feet (whichever is closer to shore) waterward of the line of extreme low tide or line of navigability.

(14) All necessary permits for activities or structures on aquatic lands shall be acquired by those proposing the activity or structure and documentation of permit acquisition provided the Department before leases are issued. In those limited instances where evidence of interest

in aquatic land is necessary for application for a permit, a lease may be issued prior to permit approval but conditioned on receiving the permit.

(15) Advance rental payments for two or more years is collected in those situations where annual lease rental payments are less than minimum lease preparation costs.

(16) Leases shall be written so as to insure that structures and activities on aquatic lands are properly designed, constructed, maintained and conducted so as to minimize environmental degradation or the unnecessary interruption of natural biological or geological processes.

(17) Easements or leases for the installation of underwater pipelines, outfalls and cables may be granted when proper provisions are included to insure against substantial or irrevocable damage to the environment and there is no practical upland alternative.

(18) Water dependent and water oriented uses which cause adverse environmental impacts may be authorized on aquatic lands and if granted shall include proper provisions to insure against substantial or irreversible damage to the environment. Leases and permits may not be issued to non-water dependent uses which have significant environmental impacts.

(19) Whenever practical, leases of first class tidelands and shorelands will provide for public access to the water.

(20) Notice will be served to lessees of tidelands and shorelands allocated for future public use that prior to renewal of current leases, such leases will be modified to permit public use or will be terminated.

(21) Areas allocated for first-come, first-served public use shall not be managed to produce a profit for a concessionaire or the administering agency without a lease fee being charged.

(22) Second class tidelands and shorelands not suitable for public use may be made available for lease to the abutting upland owner without providing for public access.

(23) Shorelands and freshwater bedlands, determined to be State owned and having the character of upland, but occupied for private use through accident, may by mutual agreement be either leased or exchanged for other private land on an equal value basis. Pending exchange or lease a use and occupancy fee may be assessed.

(24) Shorelands, and if present, Department managed uplands may be leased with appropriate provision so that minimum changes occur within channel areas.

(25) Resource withdrawal.

(a) Where federal, state, and local regulatory agencies grant permit approval to persons or corporations to install and operate waste outfalls or other activities or structures on aquatic lands, the Department, if in agreement, will require a lease for use of the lands involved.

(b) The annual rental will be based upon the fair market value as well as actual values of quantifiable public resource elements being withdrawn. The area withdrawn will vary with the type and volume of waste, type of treatment, type of outfall installation, or size and impact to other activity or structure and local conditions and extent of impacted natural resources. The value of resource withdrawn will depend on the size of the area and the number and value of natural resources affected.

(c) Future changes in volume of waste discharged and type of treatment or alteration in the structure or activity will be reflected in adjustment of annual rental.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 332-30-127 UNAUTHORIZED USE AND OCCUPANCY OF AQUATIC LANDS (SEE RCW 79.01.471).** (1) Aquatic lands determined to be state owned, but occupied for private use through accident or without prior approval, may be leased if found to be in the public interest.

(2) Upon discovery of an unauthorized use of aquatic land, the responsible party will be immediately notified of his status and if the use will not be authorized, he will be served notice in writing requiring him to vacate the premises within 30 days. If the law and Department policy will permit the use, the occupant is to be encouraged to lease the premises.

(3) The trespassing party occupying aquatic lands without authority will be assessed a monthly use and occupancy fee for such use beginning at the time notification of state ownership was first provided to them and continuing until they have vacated the premises or arranged for a right to occupy through execution of a lease as provided by law.

(4) The use and occupancy fee is calculated at a higher rate than normal and is intended to encourage either normal leasing or vacation of aquatic land.

(5) In those limited circumstances when a use cannot be authorized by a lease, the use and occupancy fee will not be charged and normal billing may be made.

(6) The use and occupancy billing is to be made after the use has occurred and conveys no rights in advance. Payment is due by the 10th of the month following the original notification, and if not received, a notice is to be sent. If payment is not received within 30 days of this notice or if the improvement has not been removed from the aquatic land, an unlawful detainer action against the party in trespass will be filed along with an action to collect past due rental.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 332-70-130[332-30-130] PUBLIC USE.** (1) Selected tideland and shoreland tracts of 1,000 contiguous feet or more or smaller areas of special recreational quality, which have not been withdrawn for governmental or aquacultural uses, shall be managed for public use.

(2) Tidelands and shorelands designated for public use, shall be identified as public use, properly advertised, marked and maintained.

(3) Where the state owns the abutting uplands, priority shall be given to joint development of the uplands and second class tidelands or shorelands for public use, consistent with the Department's trust responsibilities, if any, in managing the uplands.

(4) Public recreational use of submerged aquatic lands shall be encouraged in appropriate locations through habitat enhancement.

(5) In recognition of the increasing impact of the recreating public on the aquatic lands, public education programs will be developed and implemented on stewardship of state aquatic resources.

(6) In those cases where tidelands or shorelands are managed for public use, the rights of private upland owners abutting public use tidelands or shorelands shall be recognized by suitable marking of the intervening property lines and properly posting the tract or otherwise identifying the boundaries for the public.

(7) Recreational clam and/or oyster gathering will be enhanced on public use beaches whenever possible by planting of seed or improvement of seed retention.

(8) Selected tidelands may be set aside for development of self-guiding marine nature walks.

(9) Granting free public access and use areas. For the purpose of providing increased public access and use of areas and granting free use of aquatic land to other public agencies through interagency agreement the following criteria must be met:

(a) The land must be available daily to the public on a first-come, first-served basis and may not be leased to private parties on any more than a day-use basis.

(b) If the general public is charged a use fee (when authorized) in connection with use of the property, the fee cannot exceed the direct operating cost of the facility including reasonable depreciation.

(c) Auditable records must be kept so that the facility manager can adjust the fees accordingly and so the state can effectively inspect the operation for compliance with the agreement.

(d) Availability of free public use must be prominently advertised on the premises and in other areas as well as in the media.

(e) The managing agency must own or lease the abutting uplands.

(f) Such use will not interfere with other projected uses.

(10) If a harbor area is not to be encumbered by any structures, but is to remain in an open water condition and available for public use on a daily first-come, first-served basis, a no-fee interagency agreement (cancelable on constitutional need) will be required.

(11) If structures are to be placed in the harbor areas, if public use is otherwise restricted or a concessionaire or administering agency produces a profit, a lease will be required and the rental based on the fair market value. The annual rental percentage rate for private recreational use may be reduced if some public use is provided. Otherwise the annual rental percentage rate for total withdrawal will be charged.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**Reviser's Note:** The above new section was filed by the agency as WAC 332-70-130. This section is placed among sections forming new chapter 332-30 WAC, and therefore should be numbered 332-30-130. Pursuant to RCW 34.08.040, the section is published in the same form as filed by the agency.

#### NEW SECTION

**WAC 332-30-133 ENVIRONMENTAL CONCERNS.** (1) Provisions shall be made to insure that commercial and sport fishing areas are protected from competing uses that create obstructions or otherwise restrict use of the resources except in harbor areas.

(2) Specific spawning, milling and rearing areas, which are so designated by the Department of Fisheries and Game, will be protected from conflicting uses.

(3) Provisions for leasing tidelands, shorelands, and beds shall include compensation for resource withdrawal as appropriate.

(4) Structures and uses on aquatic lands should be designed, located and operated so as to provide for safe passage of migrating animals and not significantly interfere with the utilization of these lands and associated habitats by commercial and recreational species. The use of floating breakwaters shall be encouraged as protective structures rather than using permanent earth and rock fills.

(5) Leases shall be written so as to insure that structures and activities on aquatic land are properly designed, maintained and conducted so as to minimize environmental degradation or the unnecessary interruption of natural biological or geological processes.

(6) Limited areas of special educational or scientific interest or limited areas of special environmental importance threatened by degradation may be considered for reserve status. Leases for activities in conflict with reserve status shall not be issued.

(7) Development of such structures as floating docks and breakwaters, will be encouraged so as to provide alternatives for increasing capacity for waterborne commerce without imposing environmental costs of establishing new harbor areas and their associated dredging and maintenance.

(8) Lessees must adhere to all applicable federal, State and local environmental laws and regulations and apply for all necessary permits.

#### NEW SECTION

**WAC 332-30-136 HOUSEBOATS.** (1) Houseboats are considered to be a low priority use of aquatic lands.

(2) No additional aquatic land will be made available for moorage of houseboats. Space will be allocated for this use on those sites where the practice has been legally established over a long period of time.

(3) Houseboat moorage leases will not be written for periods longer than 10 years.

(4) Houseboat moorage will only be leased or re-leased with full compliance with Department of Ecology and Health Department requirements.

(5) Assurance must be provided that sewage discharge to State waters will not occur during periods of power outage.

(6) Annual lease rates will be based upon current full market value of the land involved.

#### NEW SECTION

**WAC 332-30-139 MARINA AND MOORAGES.** (1) Moorage facilities developed on aquatic lands should meet the following design criteria:

(a) Moorage should be designed so as to be compatible with the local environment and to minimize adverse esthetic impacts.

(b) Open moorage is preferred in relatively undeveloped areas and locations where view preservation is desirable, and/or where leisure activities are prevalent.

(c) Covered moorage may be considered in highly developed areas and locations having a commercial environment.

(d) Enclosed moorage should be confined to areas of an industrial character where there is a minimum of esthetic concern.

(e) In general, covered moorage is preferred to enclosed moorage and open moorage is preferred to covered moorage.

(f) View encumbrance due to enclosed moorage should be avoided in those areas where views are an important element in the local environment.

(g) In order to minimize the impact of moorage demand on natural shorelines, large marina developments in urban areas should be fostered in preference to numerous small marinas widely distributed.

(h) The use of floating breakwaters should be considered as protective structures rather than using solid fills.

(i) Dry moorage facilities (stacked dry boat storage) should be considered as an alternative to wet storage in those locations where such storage will:

(i) Significantly reduce environmental or land use impacts within the water area of the immediate shoreline.

(ii) Reduce the need for expansion of existing wet storage when such expansion would significantly impact the environment or adjacent land use.

(2) Anchorages suitable for both residential and transient use will be identified and established by the Department in appropriate locations so as to provide additional moorage space.

(3) Acceptable locations for marina development, properly distributed should be identified to meet projected public need during the next 30 years.

#### NEW SECTION

**WAC 332-30-142 PIERS.** (1) Piers within harbor areas will be authorized as needed to serve the needs of commerce and industry but may not extend beyond the outer harbor line.

(2) No piers or other fixed structures are permitted within waterways established under RCW 79.01.428.

(3) Multiple use of existing pier and wharf facilities will be encouraged, rather than the adding of new facilities.

(4) Piers on first class tidelands and shorelands will be permitted as needed for commercial and residential purposes without any restriction as to frequency; however, the length will be restricted as needed so as not to unduly interfere with navigation and the type of structure may be restricted so as to minimize impact on environment and other users.

(5) Public and multiple use resident piers may be considered on Public use - general beaches so designated on selected second class tideland and shoreland tracts.

(6) No piers or structures of any kind are permitted on Public use - wilderness beaches so designated on selected second class tideland and shoreland tracts.

(7) Multiple use private or commercial piers may be approved for installation on second class tideland and shoreland tracts not designated as public use beaches. They must follow the pier spacing standards.

(8) Pier spacing standards:

(a) New piers on second class tidelands and shorelands extending beyond the line of extreme low tide or line of navigability may be authorized if more than five times the pier length from any other pier on either side.

(b) Leases covering such installations may require that the owner of the pier allow the adjacent shoreline owners to utilize the pier for loading and unloading purposes.

(c) Unauthorized existing piers will be considered as new piers and offered leases which may provide for joint use.

(9) Pier design criteria:

(a) Floating piers minimize visual impact and should be used where scenic values are high. However, floating piers constitute an absolute impediment to boat traffic or shoreline trolling and should not be used in areas where such activities are important and occur within the area of the proposed pier. Floating piers provide excellent protection for swimmers from high-speed small craft and may be desirable for such protection.

Floating piers interrupt littoral drift and tend to starve down current beaches. This effect should be considered before approval.

(b) pile piers have a greater visual impact than do floating piers, and their use should be minimized in areas where scenic values are high. Pile piers do not interfere with littoral drift and do provide a diverse habitat for marine life. In areas where near-shore trolling is important, pile piers should be used with bents spaced 16 feet apart and a minimum of 5 feet clearance above extreme high tide provided. Single pile bents are preferred where possible.

#### NEW SECTION

**WAC 332-30-145 BOOMING, RAFTING AND STORAGE OF LOGS.** (1) Unless specifically exempted in writing, all log dumps located on aquatic lands, or operated in direct association with booming grounds on aquatic land, must provide facilities for lowering logs

into the water without tumbling, which loosens the bark. Free rolling of logs is not permitted.

(2) Provision must be made to securely retain all logs, chunks, and trimmings and other wood or bark particles of significant size within the leased area. Lessee will be responsible for regular cleanup and up-land disposal sufficient to prevent excessive accumulation of any debris on the leased area.

(3) Unless permitted in writing, aquatic land leased for booming and rafting shall not be used for holding flat rafts except:

(a) Loads of logs averaging over 24" diameter are not required to be bundled.

(b) Raft assembly, disassembly and log sort areas are exempt from bundling requirements.

(4) Unless permitted in writing, grounding of logs or rafts is not allowed on aquatic land leased for booming and rafting.

(5) No log raft shall remain on aquatic lands for more than one year, unless specifically authorized in writing.

(6) For leases granted to serve the general needs of an area such as an island, the leased area will be available to others for booming and rafting and at a reasonable charge.

**NEW SECTION**

**WAC 332-30-148 SWIM RAFTS AND MOORING BUOYS.**

(1) Swim rafts or mooring buoys will not be authorized where such installations will interfere with heavily traveled routes for watercraft, commercial fishing areas or on designated public use - wilderness beaches.

(2) Swim rafts or mooring buoys may be authorized on aquatic lands shoreward of the -3 fathom contour or within 200 feet of extreme low water or line of navigability whichever is appropriate. The placement of rafts and buoys beyond the -3 fathom contour or 200 feet will be evaluated on a case by case basis.

(3) No more than one installation may be made for each ownership beyond extreme low water or line of navigability. However, ownerships exceeding 200 feet as measured along the shoreline may be permitted more installations on a case by case basis.

(4) Swim rafts or buoys must float at least 12" above the water and be a light or bright color.

(5) Mooring buoys will be authorized beyond the limits described above on land designated by the Department for anchorages.

**NEW SECTION**

**WAC 332-30-151 RESERVES (RCW 79.68.060).** (1) Types of reserves: Educational, Environmental, Scientific - see definitions (WAC 332-30-106).

(2) Aquatic lands of special educational or scientific interest or aquatic lands of special environmental importance threatened by degradation shall be considered for reserve status. Leases for activities in conflict with reserve status shall not be issued.

(3) The Department or other governmental entity or institution may nominate specific areas for consideration for reserve status.

(4) Such nominations will be reviewed and accepted or rejected by the Commissioner of Public Lands based upon the following criteria:

(a) The site will accomplish the purpose as stated for each reserve type.

(b) The site will not conflict with other current or projected uses of the area. If it does, then a determination must be made by the Commissioner of Public Lands as to which use best serves the public benefit.

(c) Management of the reserve can be effectively accomplished by either the Department's management program or by assignment to another governmental agency or institution.

(5) The Department's reserves management program consists of prevention of conflicting land use activities in or near the reserve through lease actions. In those cases where physical protection of the area may be necessary the management of the area may be assigned to another agency if appropriate.

(6) When DNR retains the management of reserve areas the extent of the management will consist of a critical review of lease applications in or near the reserve area to insure proposed activities or structures will not conflict with the basis for reserve designation. This review will consist of at least the following:

(a) An environmental assessment and environmental impact statement if warranted.

(b) Request of agencies or institutions previously identified as having a special interest in the area for their concerns with regard to the project.

(7) Proposed leases for structures or activities immediately adjacent to the reserve area will be subjected to the same critical review as for leases within the area if the structures and/or activities have the potential of:

(a) Degrading water quality.

(b) Altering local currents.

(c) Damaging marine life.

(d) Increasing vessel traffic.

(8) Financing. All management costs are to be borne by the administering agency. Generally, no lease fee is required.

**NEW SECTION**

**WAC 332-30-154 MARINE AQUATIC PLANT REMOVAL (RCW 79.68.080).** (1) Any species of aquatic plant may be collected from aquatic land for educational, scientific and personal purposes up to 50 pounds wet weight per year, except that no annual species can be collected in excess of 50% of its population's total wet weight in any 1 acre area or any perennial in excess of 75% of its population's total wet weight in any 1 acre area.

(2) Aquatic plants listed on the commercial species list may be collected without a permit from aquatic land for commercial purposes up to the limits noted on the list, except that no annual species can be collected in excess of 50% of its population's total wet weight in any 1 acre area or any perennial in excess of 75% of its population's total wet weight in any 1 acre.

(3) Aquatic plants may be collected from aquatic land for educational, scientific or personal purposes beyond the weight limitations stated in (1) only through benefit of an aquatic plant removal permit from the Department. Payment of a royalty dependent on species, volume and use shall be a condition of the permit.

(4) Aquatic plants as listed on the commercial species list may be collected from aquatic land for commercial purposes beyond the weight limitations stated in (2) only through benefit of an aquatic plant removal permit from the Department. Payment of a royalty dependent on species, volume and use shall be a condition of the permit.

(5) Aquatic plants may not be removed from the San Juan Marine Reserve except as provided for in RCW 28B.20.320 and from other areas where prohibited.

(6) Removal of perennial plants must be in such a manner as to maintain their regeneration capability at the site from which they have been collected.

(7) Species may be deleted or added to the commercial species list through petition to the Department.

(8) Species not on the commercial species list may be collected for purposes of market testing, product development, or personal use through either written authorization from the Department or through an Aquatic Plant Removal Permit depending on the amount of plant material required.

(9) Commercial species list.

<u>Species Name</u>	<u>Maximum Free Collection Weight</u>
<u>Alaria marginata</u> Post. et Rupr	50 pounds wet weight
<u>Cymathere triplicata</u> (Post. et Rupr) J.Ag.	50 pounds wet weight
<u>Gracilaria sjoestedtii</u> Kylin	10 pounds wet weight
<u>Gracilaria verrucosa</u> (Huds) Papenf.	10 pounds wet weight
<u>Iridaea cordata</u> (Turner) Bory	50 pounds wet weight
<u>Laminaria dentigera</u> (Kjellm.) (L. setchellii Silva)	50 pounds wet weight
<u>Laminaria groenlandica</u> Rosenvinge	50 pounds wet weight
<u>Laminaria saccharina</u> (L.) Lamouroux	100 pounds wet weight
<u>Macrocystis integrifolia</u> Bory	100 pounds wet weight
<u>Monostroma</u> spp.	20 pounds wet weight
<u>Neogardhiella baileyi</u> (Harvey et Kutzing)	
Wynne et Taylor	30 pounds wet weight
<u>Porphyrta</u> spp.	10 pounds wet weight
<u>Ulva</u> spp.	20 pounds wet weight

**NEW SECTION**

**WAC 332-30-157 COMMERCIAL CLAM HARVESTING.**

(1) Commercial clam beds on aquatic lands should be managed to produce a sustained yield.

(2) The boundaries of clam tracts offered for lease shall be established and identified to void detrimental impacts upon significant beds



of aquatic vegetation or areas of critical biological significance as well as prevent unauthorized harvesting.

(3) The methods of harvest may only be those as established by law and certified by the Department of Fisheries.

(4) Surveillance methods will be employed to insure that trespass as well as off-tract harvesting is prevented.

(5) Harvesters must comply with all lease provisions. Non-compliance may result in immediate lease suspension or cancellation upon notification.

(6) Harvesters must comply with applicable rules and regulations of the Departments of Fisheries and Ecology. Non-compliance may result in immediate lease suspension or cancellation upon notification.

(7) If appropriate, the Department may secure all necessary permits prior to leasing.

(8) The Department will work with other agencies to insure that commercial shellfish beds are kept free of pollution and that as much as possible of the resource base is available for harvesting.

#### NEW SECTION

WAC 332-30-160 RENEWABLE RESOURCES (RCW 79.68-.080). (1) Utilization of renewable resources is a preferred use of aquatic lands.

(2) The Department will foster renewable resource utilization through research and development work, public education, land use allocation and resource inventory.

(3) Depending on the activity involved and the stage of commercial development, all necessary permits may be secured by the Department for specific sites and activities before the sites are offered for lease.

(4) The Department may undertake research and development work to determine the feasibility of and develop energy production from renewable resources in the marine environment such as tidal currents.

(5) Tidelands, shorelands and beds of navigable waters, especially valuable now and in the foreseeable future for renewable resource activities (such as aquaculture, natural resource harvesting or electrical energy production), shall be so designated and protected from conflicting human uses which would limit their utility for this purpose.

(6) Commercial aquacultural activities shall be encouraged to increase their utilization of aquatic lands through expansion of operations into new areas and increasing the number of cultured species.

(7) Commercial harvesting of wild stocks of shellfish shall be encouraged on aquatic lands. Harvesting must be conducted in such a manner as to provide a sustained yield of the crop within the harvestable resource base, to minimize insofar as possible conflicts with other users of the water area and to have insofar as possible a minimal impact upon the environment.

(8) Seaweed aquaculture shall be investigated and if found feasible implemented as a commercial venture on aquatic lands.

(9) Harvest of wild stocks of seaweed from aquatic lands shall be regulated through the lease process so as to minimize or prevent significant impacts upon the resource and the environment and reimburse the public for valuable materials removed.

(10) Enhanced productivity of commercially and recreationally important species of aquatic life shall be encouraged on aquatic lands.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

WAC 332-30-163 RIVER MANAGEMENT. (1) Use and/or modification of any river system shall recognize basic hydraulic principles, as well as harmonize as much as possible with the existing aquatic ecosystems, and human needs.

(2) Priority consideration will be given to the preservation of the streamway environment with special attention given to preservation of those areas considered esthetically or environmentally unique.

(3) Bank and island stabilization programs which rely mainly on natural vegetative systems as holding elements will be encouraged.

(4) Research will be encouraged to develop alternative methods of channel control, utilizing natural systems of stabilization.

(5) Natural plant and animal communities and other features which provide an ecological balance to a streamway, will be recognized in evaluating competing human use.

(6) Normal stream depositions of logs, uprooted tree snags and stumps which abut on shorelands and do not intrude on the navigational channel or reduce flow, or adversely redirect a river course, and

are not harmful to life and property, will generally be left as they lie, in order to protect the resultant dependent aquatic systems.

(7) Development projects will not, in most cases, be permitted to fill indentations such as mudholes, eddies, pools and aeration drops.

(8) Braided and meandering channels will be protected from development.

(9) River channel relocations will be permitted only when an overriding public benefit can be shown. Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation or impairment of fish and aquatic life will not be authorized.

(10) Generally, sand and gravel removals will not be permitted below the wetted perimeter of navigable rivers, except such removals will be authorized for maintenance and improvement of navigational channels.

(11) Sand and gravel removals above the wetted perimeter of a navigable river (which are not harmful to public health and safety) will be considered when any or all of the following situations exist:

(a) No alternative local upland source is available, and then the amount of such removals will be determined on a case by case basis after consideration of existing State and local regulations.

(b) The removal is designed to create or improve a feature such as a pond, wetland or other habitat valuable for fish and wildlife.

(c) The removal provides recreational benefits.

(d) The removal will aid in reducing a detrimental accumulation of aggregates in downstream lakes and reservoirs.

(e) The removal will aid in reducing damage to private or public land and property abutting a navigable river.

(12) Sand and gravel removals above the wetted perimeter of a navigable river will not be considered when:

(a) The location of such material is below a dam and has inadequate supplementary feeding of gravel or sand.

(b) Detached bars and islands are involved.

(c) Removal will cause unstable hydraulic conditions detrimental to fish, wildlife, public health and safety.

(d) Removal will impact esthetics of nearby recreational facilities.

(e) Removal will result in negative water quality according to Department of Ecology standards.

(13) Bank dumping and junk revetment will not be permitted on aquatic lands.

#### NEW SECTION

WAC 332-30-166 OPEN WATER DISPOSAL SITES. (1) Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.

(2) Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the Interagency Open Water Disposal Site Evaluation Committee for establishment of a new site.

(3) Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no alternative upland disposal site or beneficial use such as beach enhancement.

(4) All leases for use of a designated site must require notification to DNR in Olympia 24 hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

(5) Pipeline disposal of material to an established disposal site will require special consideration.

(6) A lease fee will be charged at a rate sufficient to cover all Departmental costs associated with management of the sites.

(7) Open water disposal site selection. Sites are selected and managed with the advice of the Interagency Open Water Disposal Site Evaluation Committee. The Committee is composed of representatives of the State Departments of Ecology, Fisheries, Game, and Natural Resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The Department chairs the Committee. Meetings are irregular. The Committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:



- (a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.
- (b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.
- (c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.
- (d) When possible, use disposal sites that have substrate similar to the material being dumped.
- (e) Select areas close to dredge sources to insure use of the sites.
- (f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.
- (g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.
- (h) Current velocity, particle size, bottom slope and method of disposal must be considered.
- (i) Projects transporting dredged material by pipeline will require individual review.
- (j) Placement of temporary site marking buoys may be required.
- (k) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.
- (l) Locate sites where surveillance is effective and can easily be found by tugboat operators.
- (8) The Department may conduct such subtidal inventories as are necessary for siting and managing disposal sites.

#### NEW SECTION

**WAC 332-30-169 ARTIFICIAL REEFS (RCW 79.68.080).** Artificial reefs constructed of a variety of materials is an accepted method of increasing habitat for rock dwelling fish and invertebrates. In areas devoid of natural reefs, artificial reefs serve to increase the recreational potential of the area. Artificial reefs may be constructed on aquatic lands according to the following guidelines and after consultation with the reef siting committee. The reef siting committee is a technical committee of the Marine Resources Advisory Committee.

- (1) Large reefs built by community groups rather than smaller reefs built by individuals are encouraged.
- (2) Artificial reefs should have a standardized marking buoy. Since this is not always practical, the Department will cooperate with applicants to establish a reef marking system and insuring that the reefs are marked on nautical charts.
- (3) Leasing of bedlands is not required for artificial reefs established for public use except that a Commissioner's Order must be issued to maintain a Departmental record of the reef location. A public reef in harbor areas requires a lease. A private reef may be established provided a bedland lease is obtained. Department assistance cannot be provided for private reef proposals other than through permit review.
- (4) Artificial reefs should be located so that public upland access to the water is available, i.e., county or city parks, road frontage or endings adjacent to public aquatic lands. Due to the predominance of private shorelands, tidelands and uplands, public access may be restricted to boats only. The Department does not promote or condone trespass on private property.
- (5) A proposed artificial reef should not conflict with existing natural fish habitats.
- (6) In selecting an artificial reef site shipping lanes, designated harbor areas and areas of marine traffic concentration should be avoided. A thousand feet of clearance is recommended.
- (7) Artificial reefs should be of sufficient depth to allow unimpeded surface navigation. A general rule of thumb is that clearance be equivalent to the greatest draft of ships or barges using the area, plus ten feet as measured from mean lower low water.
- (8) Artificial reefs should not conflict with commercial or recreational fishing, shellfish harvesting areas or with known or potential aquaculture areas.
- (9) Artificial reef design should optimize "edge effect". Reef materials should not be scattered but clumped with small open spaces between clumps.
- (10) Artificial reefs should be constructed of long-lasting, non-toxic, non-polluting materials.
- (a) Tires used as construction material should be tied together to form sub units. The ties must not deteriorate in the marine environment and should consist of such material as polypropylene rope, stainless steel or plastic strapping. Tires should be cut or drilled to allow easy escapement of trapped air. Tires must be weighted in areas where currents or wave action may move them.

- (b) Cement pipe may be used as construction material. The pipe should be transported and positioned on the bottom so as to minimize breakage. Pipe should be no longer than four feet.
- (c) Rock or concrete chunks may be used as construction material.
- (d) Vessels may be used as an artificial reef. Size and type of vessels will be considered on a case by case basis.
- (11) Artificial reefs should normally be located seaward of the minus 18 foot contour as measured from mean lower low water.
- (12) If a reef is for the exclusive use of either line fishermen or divers, it should be so identified.

#### **WSR 79-10-072**

#### **NOTICE OF PUBLIC MEETINGS FOREST FIRE ADVISORY BOARD** [Memorandum, Chairman—September 18, 1979]

The Washington Forest Fire Advisory Board, in accordance with the provisions of RCW 76.04.250, will hold a public meeting on November 7 at 9:30 a.m. in the 2nd floor conference room of the Evergreen Plaza Building, 711 Capitol Way, Olympia. The Board will discuss proposed snag felling rules and other forest protection matters on which the Board wishes to advise the Department of Natural Resources Fire Control Division.

Further information concerning the agenda may be obtained by contacting Robert P. Matthews, Chairman, 711 Capitol Way, Suite 608, Evergreen Plaza Building, Olympia, Washington 98501 (206-352-1500).

#### **WSR 79-10-073**

#### **PROPOSED RULES DEPARTMENT OF LICENSING (Massage Examining Board)** [Filed September 19, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Massage Examining Board intends to adopt, amend, or repeal rules concerning scope of examination, amending WAC 308-51-100; that such agency will at 10:00 a.m., Monday, December 10, 1979, in the Rainier Room of the Sea Tac Hyatt House, 17000 Pacific Highway South, Seattle, WA 98188, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, December 10, 1979, in the Rainier Room of the Sea Tac Hyatt House, 17000 Pacific Highway South, Seattle, WA 98188.

The authority under which these rules are proposed is RCW 18.108.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to December 10, 1979, and/or orally at 10:00 a.m., Monday, December 10, 1979, Rainier Room of the Sea Tac Hyatt House, 17000 Pacific Highway South, Seattle, WA 98188.

Dated: September 19, 1979  
By: Yvonne Braeme  
Administrative Assistant

**AMENDATORY SECTION** (Order PL 248, filed 5/25/76)

**WAC 308-51-100 SCOPE OF EXAMINATION.** (1) The examination for a massage operator's license shall, except as noted in subparagraph (2) below, consist of written questions as well as a practical demonstration that will require the applicant to perform a massage or partial massage upon another person and which may include oral questions.

(2) An applicant handicapped by blindness will not be subject to a written examination. A blind applicant will be asked oral questions to appropriately test the range and depth of his knowledge of the subjects shown in subparagraph (3) below.

(3) Written and oral questions will be sufficient in number to satisfy the massage examining board that the applicant has been given an adequate opportunity to express his or her knowledge relating to the following subjects as they pertain to the practice of massage:

- (a) Anatomy and physiology,
- (b) Hydrotherapy,
- (c) Hygiene,
- (d) First Aid,
- (e) Massage theory and practice, ((and))
- (f) Symptomatology (only as it pertains to contra-indications of massage), and
- (g) The law and rules of the board relating to massage (i.e., chapter 18.108 RCW and chapter 308-51 WAC).

(4) The practical demonstration of massage will be conducted before the examining board and the applicant will be required to perform the massage treatment or techniques as directed by the board. During the practical demonstration each member of the board in attendance will observe, note and grade each applicant on the following elements:

- (a) Oral questions,
- (b) Contact,
- (c) Draping,
- (d) Effluage,
- (e) Friction,
- (f) Petrissage,
- (g) Pressure,
- (h) Professional manner,
- (i) Rhythm,
- (j) Swedish gymnastics, to include both active and passive exercise,
- (k) Tapotement,
- (l) Use of lubricants,
- (m) Vibration, and
- (n) Nerve strokes.

**WSR 79-10-074  
ADOPTED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Order 127, Cause No. TV-1261—Filed September 19, 1979]

In the matter of amending WAC 480-12-180, relating to motor carriers.

This action is taken pursuant to Notice Nos. WSR 79-07-075, 79-09-016 and 79-10-036, filed with the Code Reviser on June 28, 1979, August 9, 1979 and September 12, 1979, respectively. This amendment hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule amendment proceeding is brought on pursuant to RCW 80.01.040(4), 81.80.211 and 81.80.290 and is intended to administratively implement these statutes.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW).

Pursuant to Notice No. WSR 79-07-075, the above matter was scheduled for amendment at 8:00 a.m., Wednesday, August 8, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses

Building, Olympia, Washington before Chairman Robert C. Bailey and Commissioners Frank W. Foley and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the Commission in writing prior to August 3, 1979. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, August 8, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington. No written comments were received.

At the August 8 meeting, oral comments were received by the following persons in opposition to the proposed amendment: Al Masek, Lile International Company; Opal Conner, Washington Movers Conference; and Duane Fink, G-O Trucking, Inc. Mr. Masek and Mr. Conner were concerned about the impact of the rule on the use of temporary drivers. Mr. Fink was concerned about the financial impact of compliance with the splash guard rule. Mr. Fink was advised that the splash guard rule was a restatement of existing state law.

The Commission desired additional time to consider fully the implications of the proposed rule. In order to accomplish this, and to satisfy the concerns of the carriers, final decision on the rules was delayed until the September 12, 1979 weekly meeting. A notice of continuance was duly filed with the Code Reviser under Notice No. WSR 79-09-016. This notice notified interested parties of the September 12 meeting, and of their right to submit written data, views or arguments prior to September 7, 1979, and to submit data, views, or arguments orally at 8:00 a.m., Wednesday, September 12, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

No written comments opposing the rule amendment were received pursuant to this notice. Oral comments were received from the following persons; George Hart, attorney, Washington Movers Conference, Mr. Al Masek, Bud Owens, Leonardo Truck Lines, Mr. Bob Donaldson, and Mr. Bill Berg, Bureau of Motor Carrier Safety. Mr. Masek and Mr. Hart were concerned about the impact of the rules as they applied to the use of casual or intermittent drivers. Mr. Owens and Mr. Donaldson commented that the twenty-one year age limitation was arbitrary and may effectively preclude otherwise competent persons from becoming truck drivers. Mr. Berg spoke in support of the rule.

After considering the presentation of staff and the comments by interested parties, the Commission determined that an eighteen year age limitation was appropriate. It also determined that more time was needed to investigate the impacts of the rules as they applied to the use of casual or intermittent drivers. The staff was directed to so investigate this problem. Final disposition of the matter was postponed until the September 19 meeting.

A notice of continuance was duly filed with the Code Reviser under Notice No. WSR 79-10-036. This notice notified interested parties of the September 19 meeting, and of their right to submit written data, views, or arguments prior to September 14, 1979, and to submit data,

views or arguments orally at 8:00 a.m., Wednesday, September 19, 1979, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

No written or oral comments opposing the rule were received. At the September 19 meeting the Commission indicated that the concerns of carriers employing drivers on a casual basis had been investigated and that such concerns were adequately covered by the proposed rule. The Commission also accepted the staff's proposed change to the proposed amendment to set the minimum age requirement at eighteen years of age.

The amendment to WAC 480-12-180 affects no economic values. The economic impact as a result of the adoption of the amendment to WAC 480-12-180 has been considered. The economic impact on each carrier in order to comply with the new safety rule will vary, and cannot be stated precisely. The adoption of the amendment to WAC 480-12-180, will have no significant economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-12-180 should be amended to read as set forth in Appendix "A", attached hereto and made a part hereof by reference. WAC 480-12-180, as amended, adopts pertinent federal motor carrier safety regulations relating to motor carrier driver's qualifications, and also provides for certain exceptions to the adopted federal regulations in the case of drivers on primary agricultural hauls, with respect to age. The rule also applies no age requirement to regularly employed drivers who were so employed prior to the effective date of the rule. WAC 480-12-180, as amended, also revises the splash guard safety standards to be consistent with recent state legislation.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-180 relating to motor carriers, be, and the same is hereby amended as set forth in Appendix "A" as permanent rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the Secretary of the Senate and the Chief Clerks of the House of Representatives three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 19th day of September, 1979.

Washington Utilities and Transportation Commission

Frank W. Foley, Commissioner

A. J. Benedetti, Commissioner

#### APPENDIX "A"

AMENDATORY SECTION (Amending Order R-116, Cause No. TV-1177, filed 12/19/78)

WAC 480-12-180 EQUIPMENT—DRIVERS—SAFETY. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW.

(2) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) Safety chains or other load fastening devices. Any motor truck, truck tractor, trailer, semitrailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall 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 two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall 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 one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subparagraphs (a) (iii) and (iv) of this subsection.

(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 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: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve 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 be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall 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 entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall 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 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, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall 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.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall 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 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 for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall 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.

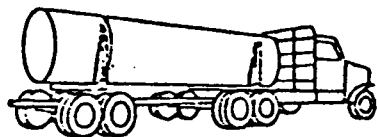
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

NOTE: See the following Diagrams I and II for illustrations of placement and number of load fastening devices.

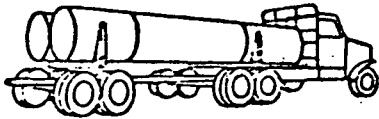
## PLACEMENT AND NUMBER OF WRAPPERS

### One log load



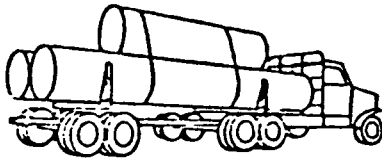
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



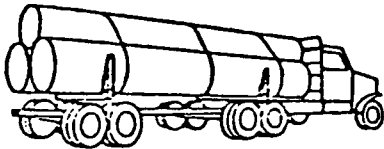
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



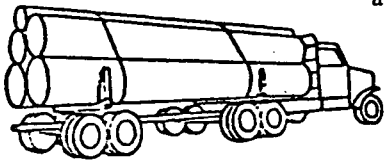
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



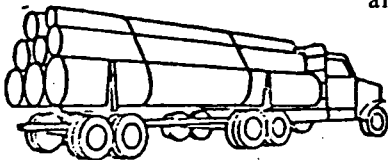
A minimum of three wrappers required.

Five or six log load  
all logs seventeen feet or less



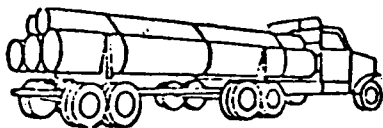
A minimum of two wrappers required.

Seven or more log load  
all logs seventeen feet or less



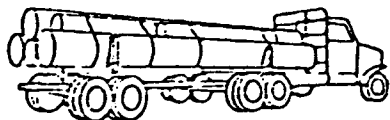
A minimum of two wrappers required.

Five or more log load  
if any logs are more than seventeen feet



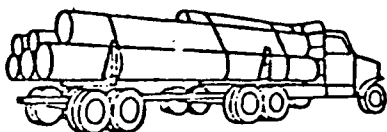
A minimum of three wrappers required.

## Outside logs or top logs



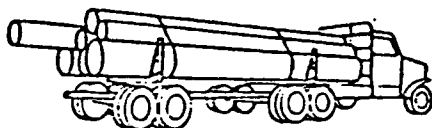
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

## A wrapper shall be near each bunk



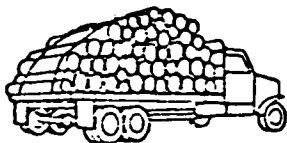
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

## Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

## Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

**NOTE:** All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) Approved load fastening devices. The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) Anti-spray devices. Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. ~~((The following chart contains the standards for such devices:))~~ All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

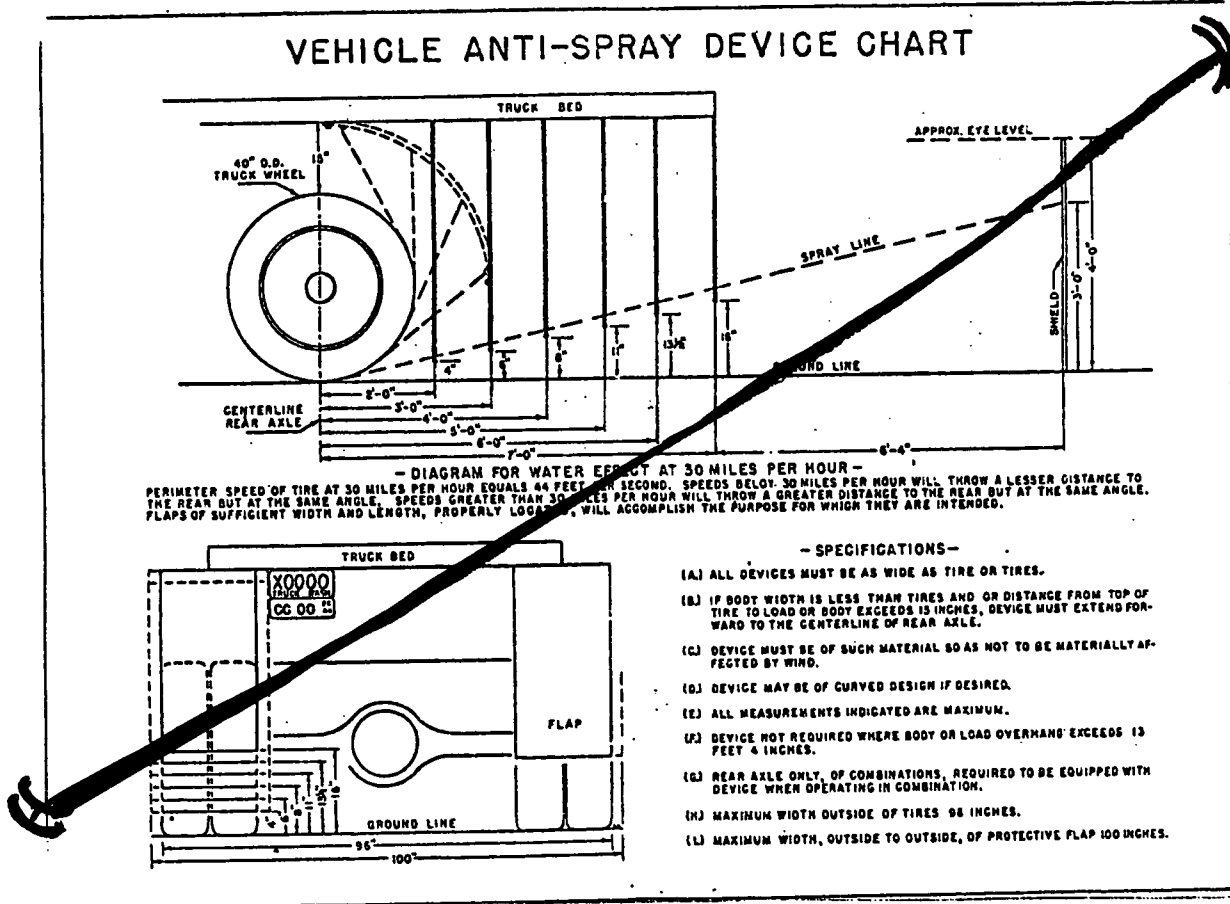
(6) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all common, contract, and registered carriers operating under chapter 81.80 RCW except:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to the effective date of this rule.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(7) Whenever the designation "director, bureau of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission", located in Olympia, Washington.



**WSR 79-10-075**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Filed September 19, 1979]

N. Spencer Hammond  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services, intends to adopt, amend, or repeal rules concerning nursing home discharge allowance, new WAC 388-15-145.

It is the intention of the Secretary to adopt these rules on an emergency basis on October 1, 1979.

Correspondence concerning this notice and proposed rules attached should be addressed to:

that such agency will at 2:00 p.m., Wednesday, November 7, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 14, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.



Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 2:00 p.m., Wednesday, November 7, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, Washington.

Dated: September 18, 1979  
 By: N. Spencer Hammond  
 Executive Assistant

**NEW SECTION**

**WAC 388-15-145 NURSING HOME DISCHARGE ALLOWANCE.** A one-time allowance may be issued to Medicaid eligible nursing home residents who have been certified ready for discharge.

- (1) The allowance must be used to obtain independent housing and to resume housekeeping.
- (2) Persons eligible for the discharge allowance must
  - (a) have no existing independent residence,
  - (b) not have a spouse or dependents, and
  - (c) have no more than \$600 in cash or other resources which could be converted at face value to cash within thirty days.
- (3) The discharge allowance issued is based on the actual amount required to re-establish an independent residence for the individual, subject to the following maximums:

Cash Resource Level	Maximum Discharge Allowance
0 - \$300	\$400
\$301 - \$400	\$300
\$401 - \$500	\$200
\$501 - \$600	\$100

**WSR 79-10-076**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-91—Filed September 19, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is area 12A closure is rescinded to allow the opportunity to harvest coho salmon bound for Quilcene Hatchery.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 19, 1979.  
 By Gordon Sandison  
 Director

**REPEALER**

The following section of the Washington Administrative code is repealed:

WAC 220-28-012A0E CLOSED AREA (79-76)

**WSR 79-10-077**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-92—Filed September 19, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an abundance of hatchery coho allows an additional opening in upper Willapa Bay.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 19, 1979.  
 By Gordon Sandison  
 Director

**NEW SECTION**

**WAC 220-40-02200H WILLAPA HARBOR—GILL NET (1)** Notwithstanding the provisions of WAC 220-40-022 and WAC 220-40-024, it shall be lawful to take, fish for and possess salmon for commercial purposes with gill net gear in Willapa Harbor Fishing Areas 2G and 2H from 6:00 p.m. Wednesday, September 19, through 6:00 p.m. Friday, September 21, 1979.

(2) It shall be unlawful to take, fish for or possess salmon for commercial purposes in the above described areas during the above described times with gill net gear having a mesh size smaller than 5 inches or greater than 7 inches.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02200G WILLAPA HARBOR—  
GILLNET (79-80)

WSR 79-10-078  
PROPOSED RULES  
BOARD OF PILOTAGE COMMISSIONERS  
[Filed September 20, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning the amount of pilotage license fees, the licensing of pilots, health standards for pilots and vessel certification;

that such agency will at 9 a.m., Thursday, October 11, 1979, in the Conference Room, Washington State Ferries, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place thereafter in the Conference Room, Washington State Ferries, Pier 52, Seattle, Washington 98104.

The authority under which these rules are proposed is chapter 88.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to October 10, 1979, and/or orally at the hearing.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-08-086 filed with the code reviser's office on July 27, 1979.

Dated: September 18, 1979

By: Walter S. Tabler  
Assistant Attorney General  
Representing Board of Pilotage Commissioners

WSR 79-10-079  
PROPOSED RULES  
DEPARTMENT OF FISHERIES  
[Filed September 20, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Tuesday, October 16, 1979, in the Department of Fisheries conference room, Room 115 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

This notice is connected to and continues the matter noticed in Notice No. WSR 79-08-101 filed with the code reviser's office on July 30, 1979.

Dated: September 13, 1979

By: Gordon Sandison  
Director

WSR 79-10-080  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 79-93—Filed September 20, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is adopted pursuant to the Columbia River Compact.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 20, 1979.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-32-05100L CLOSED AREA—  
COLUMBIA RIVER Notwithstanding the provisions of WAC 220-32-051, WAC 220-32-052, and WAC 220-32-053, effective immediately until further notice it shall be unlawful to take, fish for or possess salmon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except that portion of Area 1F extending to midstream at right angles to the thread of the Columbia River between Tunnel Number Five Point located approximately 1.8 miles west of Spring Creek Fishway to a boundary marker approximately 1/4 mile east of Spring Creek Fishway except in that portion 300 feet offshore between a line projected from the boundary marker 300 feet east of the hatchery fish ladder perpendicular to the thread of the stream and a line projected from a boundary marker 300 feet west of the hatchery fish ladder perpendicular to the thread of the stream.

NEW SECTION

WAC 220-32-05800E RIVER MOUTH CLOSURE Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-058, effective noon September 21 through noon September 24, 1979, it shall be lawful for those individuals possessing fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce

treaties to take, fish for and possess salmon for commercial purposes in that portion of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Tunnel Number Five Point located approximately 1.8 miles west of Spring Creek Fishway to a boundary marker approximately 1/4 mile east of Spring Creek Fishway except in that portion 300 feet offshore between a line projected from a boundary marker 300 feet east of the hatchery fish ladder perpendicular to the thread of the stream and a line projected from a boundary marker 300 feet west of the hatchery fish ladder perpendicular to the thread of the stream.

#### NEW SECTION

**WAC 220-32-03000S AREAS AND SEASONS—COLUMBIA RIVER** Notwithstanding the provision of WAC 220-32-030, WAC 220-32-031, and WAC 220-32-032, it shall be unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, and 1E, except at those times and in those areas designated below:

Areas 1A, 1B, 1C, and that portion of 1D downstream from a line projected from flashing red light No. 52 on the Oregon shore near the downstream end of Gary Island northerly to the white 6 second equal interval flashing range light on the Washington shore.

6:00 p.m. September 23 to 6:00 p.m. September 27, 1979.

6:00 p.m. September 30 to 6:00 p.m. October 4, 1979.

6:00 p.m. October 7 to 6:00 p.m. October 10, 1979.

6:00 p.m. October 14 to 6:00 p.m. October 17, 1979.

6:00 p.m. October 21 to 6:00 p.m. October 24, 1979.

6:00 p.m. October 28 to 6:00 p.m. October 31, 1979.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 220-32-05100K AREAS AND SEASONS—COLUMBIA RIVER (79-63)**

**WAC 220-32-05800D RIVER MOUTH CLOSURE (79-85)**

**WAC 220-32-03000R AREAS AND SEASONS—COLUMBIA RIVER (79-86)**

**WSR 79-10-081**

**ADOPTED RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Order 79-14—Filed September 21, 1979]

I, James T. Hughes, director of Labor and Industries do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

**NEW Safety Standards for Logging Operations**

**WAC 296-54-501, 296-54-503, 296-54-505, 296-54-507, 296-54-509, 296-54-511, 296-54-513, 296-54-515, 296-54-517, 296-54-519, 296-54-521, 296-54-**

**523, 296-54-525, 296-54-527, 296-54-529, 296-54-531, 296-54-533, 296-54-535, 296-54-537, 296-54-539, 296-54-541, 296-54-543, 296-54-545, 296-54-547, 296-54-549, 296-54-551, 296-54-553, 296-54-555, 296-54-557, 296-54-559, 296-54-561, 296-54-563, 296-54-565, 296-54-567, 296-54-569, 296-54-571, 296-54-573, 296-54-575, 296-54-577, 296-54-579, 296-54-581, 296-54-583, 296-54-585, 296-54-587, 296-54-589, 296-54-591, 296-54-593, 296-54-595, 296-54-597, 296-54-599, 296-54-601, 296-54-603, 296-54-605 and 296-54-607.**

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

**WAC 296-54-001, 296-54-003, 296-54-010, 296-54-020, 296-43-030[296-54-030], 296-54-040, 296-54-051, 296-54-052, 296-54-130, 296-54-140, 296-54-150, 296-54-160, 296-54-170, 296-54-180, 296-54-185, 296-54-190, 296-54-195, 296-54-200, 296-54-210, 296-54-215, 296-54-216, 296-54-217, 296-54-218, 296-54-220, 296-54-230, 296-54-240, 296-54-260, 296-54-270, 296-54-280, 296-54-281, 296-54-282, 296-54-284, 296-54-286, 296-54-290, 296-54-300, 296-54-310, 296-54-320, 296-54-330, 296-54-335, 296-54-340, 296-54-350, 296-54-360, 296-54-370, 296-54-380, 296-54-392, 296-54-393, 296-54-39301 and 296-54-400.**

This action is taken pursuant to Notice No. WSR 79-04-100 filed with the code reviser on April 4, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.150 and 49.17.240 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

**APPROVED AND ADOPTED September 21, 1979.**

**By James T. Hughes  
Director**

#### NEW SECTION

**WAC 296-54-501 SCOPE AND APPLICATION.**

The requirements of this chapter augment those requirements of the General Safety Standards promulgated by the Department of Labor and Industries, Division of Industrial Safety and Health, applicable to this industry, and apply to all persons, firms, corporations or others engaged in logging operations that come within the jurisdiction of the Department of Labor and Industries. The requirements herein contained do not apply to log handling at sawmills, plywood mills, pulp mills or other manufacturing operations governed by their own specific safety standards.

The safety requirements herein contained are not to be construed to imply that other safe work practices, procedures or methods should not be employed where

such methods, means or practices may be required to prevent accidents. Both employers and employees have a duty to do whatever is reasonable and practical to avoid causing accidents. These requirements are minimum safety requirements and shall augment other safety standards developed by the department which are of a general nature and apply to all industrial operations such as those contained in the General Safety Standards, chapter 296-24 WAC; Occupational Health Standards, chapter 296-62 WAC; and Precautionary Labeling of Containers of Hazardous Materials, chapter 296-64 WAC, or others which may be applicable. Regulations adopted by the department concerning certain types of equipment or conditions, such as Metal and Nonmetallic Mines, Quarries, Pits and Crushing Operations, chapter 296-61 WAC, and Possession, Handling and Use of Explosives, chapter 296-52 WAC shall be complied with when applicable.

Some of the factors involving safe practices are use of good judgment, and the avoidance of taking chances. Accidents can be avoided in many instances by everyone conscientiously applying their knowledge of safety.

Copies of all Society of Automotive Engineers Reports (SAE) referred to in these standards are on file in all District Offices of the Division of Industrial Safety and Health of the Department of Labor and Industries, and may be reviewed by any interested person. Individuals desiring to obtain copies of such material shall arrange to do so directly from the publishers or from other sources. The Division of Industrial Safety and Health will not assume the responsibility of acquiring such material for uses other than its own needs.

NOTE: Safety standards for pulpwood logging are contained in a separate edition titled "Safety Standards for Pulpwood Logging", WAC 296-54-450.

### NEW SECTION

**WAC 296-54-503 VARIANCE.** The assistant director may, upon receipt of application and after adequate investigation by the department, permit a variation from these requirements when an approved alternate means or manner of protection is provided, which affords an equivalent measure of safety as required by the rule from which a variance is requested.

### NEW SECTION

**WAC 296-54-505 DEFINITIONS APPLICABLE TO THIS CHAPTER.** (1) A-frame – a structure made of two independent columns fastened together at the top and separated by a reasonable width at the bottom to stabilize the unit from tipping sideways.

(2) Alternate communication system – a system approved by the Department of Labor and Industries, which by voice or other media than horn or whistle, provides a safe and reliable method of communication between crew members.

(3) A side – any place of activity involving a group in the yarding and loading of logs.

(4) An operation – any place where logging or log related activities are taking place.

(5) Approved – approved by the Department of Labor and Industries, Division of Industrial Safety and Health.

(6) Arch – any device attached to the back of a vehicle and used for raising one end of logs to facilitate movement.

(7) Authorized person – a person approved or assigned by the employer to perform a specific type of duty(s) or to be at a specific location at a certain time(s).

(8) Back line – that section of the haulback that runs between the spar tree and the corner block.

(9) Ballistic nylon – a fabric of high tensile properties designed to provide protection from lacerations.

(10) Barrier – a fence, wall or railing to prevent passage or approach.

(11) Base of tree – that portion of a natural tree not more than three feet above ground level.

(12) Bight of the line – any area where a person is exposed to a controlled or uncontrolled moving line.

(13) Binder – a hinged lever assembly for connecting the ends of a wrapper to tighten the wrapper around the load of logs or materials.

(14) Boomboat – any boat used to push or pull logs, booms, bundles, or bags, in booming ground operations.

(15) Boomscooter – a small boat, usually less than fourteen feet in length, equipped with an outboard motor, having directional pushing capabilities of 360 degrees.

(16) Brailing – when tiers of logs, poles, or piles are fastened together with a type of dogline and the ends of the side members are then fastened together for towing.

(17) Brow log – a log or a suitable substitute placed parallel to any roadway at a landing or dump to protect the carrier and facilitate the safe loading or unloading of logs, timber products, or materials.

(18) Bullbuck – the supervisor of the cutting crew.

(19) Butt welding – the practice of welding something end to end.

(20) Cable tree thinning – the selective thinning of a timber stand utilizing mobile yarding equipment specifically designed or adapted for the purpose. Such systems may be of the skyline, slackline, or modified slackline, overhead cable system.

(21) Choker – a length of wire rope with attachments for encircling the end of a log to be yarded.

(22) Chunking – the clearing of nonusable material from a specified area.

(23) Cold deck – any pile of logs which is yarded and left for future removal.

(24) Competent person – one who is capable of identifying hazards in the surrounding or working conditions which are unsanitary, hazardous or dangerous.

(25) Corner block – the first block the haulback passes through on its way to the tail block.

(26) Crew bus or vehicle – any vehicle furnished by or for the employer that will transport nine or more persons.

(27) Crotch line – two short lines attached to the same ring or shackle, used for loading or unloading.

(28) Danger trees – trees with evidence of deterioration or physical damage to the root system or stem, as well as the degree and/or direction of lean. (See Snag)

- (29) Directional falling – a mechanical means to control the direction of falling timber.
- (30) Dog line – type of line used to fasten logs or timber products together by the use of dogs.
- (31) Donkey – any machine with a series of drums used to yard logs.
- (32) Double ended logs – two logs end to end on the same lay.
- (33) Droplines – a short line attached to the carriage or carriage block which is used as an extension to the main line.
- (34) Drum – a mechanical device on which line is spooled or unspooled.
- (35) Dry land storage – decks of logs stored for future removal or use.
- (36) Dutchman – (a) A block used to change direction of line lead.  
(b) A method of falling timber consisting of inserting a piece of material into one side of the undercut to assist in pulling a tree against the lean or a section of the undercut can be left in a corner to accomplish the same purpose.
- (37) Experienced person – a person who has been trained and has participated in the subject process for a period of time long enough to thoroughly acquaint the person with all facets of the process.
- (38) F.O.P.S. – Falling object protective structure.
- (39) Fair lead – sheaves, rolls, or a combination thereof arranged to receive a line coming from any direction for proper line spooling on to a drum.
- (40) Front end loader – a mobile machine mounted on a wheeled or tracked chassis, equipped with a grapple, tusk, bucket, or fork-lift device, and employed in the loading, unloading, stacking, or sorting of logs or materials.
- (41) Guard rail – a railing to restrain a person.
- (42) Guyline – a line used to support or stabilize a spar.
- (43) Gypsy drum – a mechanical device wherein the line is not attached to the drum and is manually spooled to control the line movement on and off the drum.
- (44) Haulback – a line used to pull the buttrigging and mainline to the logs to be yarded.
- (45) Haulback block – any block the haulback line passes through including the corner block and tailblock.
- (46) Hay rack – (a) A type of loading boom where two tongs are used and logs are suspended.  
(b) A transporting vehicle with multiple sets of bunks attached to a rigid frame usually used for hauling logs.
- (47) Hazardous falling area – the area within a circle centered on the tree being felled and having a radius not less than twice the height of that tree.
- (48) Head tree – the tree where yarding and/or loading takes place. (See Spar tree)
- (49) Heel boom – a type of loading boom where one tong is used and one end of the log is pulled up against the boom.
- (50) High lead – a system of logging wherein the main line is threaded through the main line block, which is attached near the top of the spar, to obtain a lift of the logs being yarded.
- (51) Hobo log and/or hitchhiker – a free or unattached log that is picked up by a turn and is transported with the turn.
- (52) Hooktender – the worker that supervises the method of moving the logs from the woods to the landing.
- (53) Hot deck – a landing where logs are being moved.
- (54) Hydraulic jack – a mechanical device, powered by internal pressure, used to control the direction in which a tree is to be felled.
- (55) In the clear – being in a position where the possibility of harmful physical contact is minimized.
- (56) Jackstrawed – trees or logs piled in an unorderly manner.
- (57) Jiggers – any projecting broken wire in a strand of cable.
- (58) Kerf – that portion of timber products taken out by the saw teeth.
- (59) Knob – a metal ferrule attached to the end of a line.
- (60) Landing – any place where logs are laid after being yarded, awaiting subsequent handling, loading, and hauling.
- (61) Lift tree – an intermediate support for skylines.
- (62) Loading boom – any structure projecting from a pivot point to guide a log when lifted.
- (63) Lodged tree – a tree leaning against another tree or object which prevents it from falling to the ground.
- (64) Log bronco – a sturdily built boat usually from twelve to twenty feet in length, used to push logs or bundles of logs in a generally forward direction in booming and rafting operations.
- (65) Log dump – a place where logs are removed from transporting equipment. It may be either dry land or water, parbuckled over a brow log or removed by machine.
- (66) Logging machine – a machine used or intended for use to yard, move, or handle logs, trees, chunks, trailers, and related materials or equipment. This shall include self-loading log trucks only during the loading and unloading process.
- (67) Logs – tree segments suitable for subsequent processing into lumber, pulpwood, or other wood products, including but not limited to poles, piling, peeler blocks and bolts.
- (68) Log stacker – a mobile machine mounted on a wheeled or tracked chassis, equipped with a frontally mounted grapple, tusk, or forklift device, and employed in the loading, unloading, stacking, or sorting of logs.
- (69) Long sticks – an overlength log that creates a hazard by exceeding the safe perimeters of the landing.
- (70) Mainline – the line attached to the buttrigging used to pull logs to the landing.
- (71) Mainline block – the block hung in the spar through which the mainline passes.
- (72) Mainline train – any train that is made up for travel between the woods and log dump.
- (73) Matchcutting – the felling of trees without using an undercut.

(74) Mechanized falling – falling of standing timber by a self-propelled mobile wheeled or tracked machine equipped with a shear or other powered cutting device.

(75) Mechanized feller – any such machine as described in WAC 296-54-535 and 296-54-537, and includes feller/bunchers and similar machines performing multiple functions.

(76) Mobile log loader – a self-propelled log loading machine mounted on wheels or tracks, incorporating a grapple-rigged Bohemian, goose neck, or straight boom fabricated structure, employed in the loading or unloading of logs by means of grapples or tongs.

(77) Mobile yarder – a logging machine mounted on wheels, tracks, or skids, incorporating a vertical or inclined spar, tower, or boom, employed in skyline, slackline, high lead, or grapple overhead cable yarding systems.

(78) Must – the same as "shall" and is mandatory.

(79) Pass line – a small line threaded through a block at the top of the spar to assist the high climber.

(80) Permissible (as applied to any device, equipment or appliance) – such device, equipment, or appliance has the formal approval of the United States Bureau of Mines, American Standards Association, or National Board of Fire Underwriters.

(81) Portable spar or tower – a movable engineered structure designed to be used in a manner similar to which a wood spar tree would be used.

(82) Qualified person – a person, who by possession of a recognized degree, certificate, professional standing, or by extensive knowledge, training, and experience, has successfully demonstrated ability to solve or resolve problems relating to the subject matter, the work, or the project.

(83) Reach – a steel tube or wood timber or pole connected to the truck and inserted through a tunnel on the trailer. It steers the trailer when loaded and pulls the trailer when empty.

(84) Receding line – the line on a skidder or slackline comparable to the haulback line on a yarder.

(85) Reload – an area where logs are dumped and reloaded or transferred as a unit to another mode of transportation.

(86) Rollway – any place where logs are dumped and they roll or slide to their resting place.

(87) R.O.P.S. – Roll over protection structure.

(88) Rub tree – a tree used to guide a turn around a certain area.

(89) Running line – any line which moves.

(90) SAE – Society of automotive engineers.

(91) Safety factor – the ratio of breaking strength to a safe working strength or loading.

(92) Safety glass – a type of glass that will not shatter when broken.

(93) Sail block – a block hung inverted on the sail guy to hold the tong block in proper position.

(94) Scaler – the person who measures the diameter and length of the logs, determines specie and grade, and makes deductions for footage calculations.

(95) Shall – a requirement that is mandatory.

(96) Shear log – a log placed in a strategic location to divert passage of objects.

(97) Shore skids – any group of timbers spaced a short distance apart on which logs are rolled.

(98) Signal person – the person designated to give signals to the machine operator.

(99) Siwash – to change the lead of a line with a physical object such as a stump or tree instead of a block.

(100) Skidder – a machine or animal used to move logs or trees to a landing.

(101) Skidding – movement of logs or trees on the surface of the ground to the place where they are to be loaded.

(102) Skyline – the line suspended between two points on which a block or carriage travels.

(103) Slackline – a form of skyline where the skyline cable is spooled on a donkey drum and can be raised or lowered.

(104) Slack puller – any weight or mechanical device used to increase the movement of a line when its own weight is inadequate.

(105) Snag – a dead standing tree or a portion thereof. (See Danger tree)

(106) Snorkel – a loading boom modified to extend its limitations for the purpose of yarding.

(107) Spar – a device rigged for highlead, skyline or slackline yarding.

(108) Spar tree – (See Spar).

(109) Speeder – a small self-powered vehicle that runs on a railroad track.

(110) Spike – a long heavy nail similar to a railroad spike.

(111) Springboard – a board with an iron tip used by fallers to stand on while working above ground level.

(112) Square lead – the angle of 90 degrees.

(113) Squirrel – a weight used to swing a boom when the power unit does not have enough drums to do it mechanically.

(114) Squirrel tree – a topped tree, guyed if necessary, near the spar tree in which the counter balance (squirrel) of a tree rigged boom is hung.

(115) Stiff boom – two or more boom sticks wrapped together on which boom persons walk or work.

(116) Strap – any short piece of line with an eye or "D" in each end.

(117) Strawline – a small line used for miscellaneous purposes.

(118) Strap socket or D – a socket with a closed loop and arranged to be attached to the end of a line by the molten zinc, or an equivalent method. It is used in place of a spliced eye.

(119) Strip – a definite location of timber on which one or more cutting crews work.

(120) Swamping – the falling or cutting of brush around or along a specified place.

(121) Swifter – a piece of equipment used to tie the side sticks of a log raft together to keep the raft from spreading.

(122) Swing cut – a back cut in which the holding wood on one side is cut through.

(123) Tail block – the haulback block at the back end of the show.

(124) Tail hold – an anchor used for making fast any line or block.

(125) Tail tree – the tree at the opposite end from the head tree on which the skyline or other type rigging is hung.

(126) Tight line – when either the mainline or haulback are held and power is exerted on the other or when power is exerted on both at the same time.

(127) Tong line block – the block hung in a boom through which the tong line operates.

(128) Tongue – a device used to pull and/or steer a trailer.

(129) Topping – cutting off the top section of a standing tree prior to rigging the tree for a spar or tail tree.

(130) Tower – (See Portable spar or tower).

(131) Tractor – a machine of wheel or track design used in logging.

(132) Tractor logging – the use of any wheeled or tracked vehicle in the skidding or yarding of logs.

(133) Transfer (as used in loading) – changing of logs in a unit from one mode of transportation to another.

(134) Tree jack – a grooved saddle of wood or metal rollers contained within two steel plates, attached to a tree with a strap, used as a guide for skyline, sail guy, or similar static line. It is also formed to prevent a sharp bend in the line.

(135) Tree plates – steel bars sometimes shaped as elongated J's, which are fastened near the top of a tree to hold guylines and prevent them from cutting into the tree when tightened. The hooks of the J are also used to prevent the mainline block strap from sliding down the tree.

(136) Tree pulling – a method of falling trees in which the tree is pulled down with a line.

(137) Tug – a boat, usually over twenty feet in length, used primarily to pull barges, booms of logs, bags of debris, or log rafts.

(138) Turn – any log or group of logs attached by some means to power and moved from a point of rest to a landing.

(139) "V" lead – a horizontal angle of less than 90 degrees formed by the projected lines of the mainline from the drum of the logging machine through the block or fairlead and the yarding load or turn.

(140) WAC – Washington Administrative Code.

(141) Waistline – that portion of the haulback running between the corner block and the tail block.

(142) Wrapper – a cable assembly or chain used to contain a load of logs.

(143) Wrapper rack – barrier used to protect a person while removing binders and wrappers from a loaded logging truck.

(144) Yarder – a machine with a series of drums used to yard logs. (See Donkey)

(145) Yarding – the movement of logs from the place they are felled to a landing.

(1) The employer shall assume the responsibility of safety training for new employees.

(2) The employer shall assume the responsibility of work assignments so that no employee shall be allowed to work in a position or location so isolated that he is not within ordinary calling distance of another employee who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties is carried on, there shall be a minimum crew of two employees who shall work as a team and shall be in visual or hearing contact with one another to allow prompt awareness of injury or cessation of work activity of one employee by the other. No employee shall be left alone for a period of time to exceed fifteen minutes without visual or hearing contact. In addition, there shall be some system of back-up communication in the near proximity to enable an employee to call for assistance in case of emergency.

NOTE: This does not apply to operators of motor vehicles, watchmen or certain other jobs which, by their nature, are singular employee assignments. However, a definite procedure for checking the welfare of all employees during their working hours shall be instituted and all employees so advised.

(3) The employer shall establish a method of checking the employees in from the woods at the end of each shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of all movable equipment.

(4) Prior to the commencement of logging operations, a safety meeting shall be held and a plan shall be developed and implemented whereby management shall ascertain by direct supervision that the work is being carried out with special emphasis on safety and safe work practices.

(5) When extreme weather or other extreme conditions are such that additional hazards arise, additional precautions shall be taken to assure safe operations. If the operation cannot be made safe because of the aforementioned conditions, the work shall be discontinued until safe to resume.

(6) Danger trees within reach of landings, roads, rigging, buildings or work areas shall be either felled before regular operations begin or work shall be arranged so that employees shall not be exposed to hazards involved.

(7) Management shall ensure that intoxicating beverages and narcotics are not permitted or used by employees on or in the vicinity of the work site. Management shall cause employees under the influence of alcohol or narcotics to be removed from the work site. This requirement does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

#### NEW SECTION

WAC 296-54-509 EMPLOYEE'S RESPONSIBILITY. (1) Employees shall coordinate and cooperate with management and other employees in an attempt to eliminate accidents.

#### NEW SECTION

WAC 296-54-507 MANAGEMENT'S RESPONSIBILITY. In addition to observance of the General Safety and Health Standards:



(2) Employees shall study and observe all safe work practices governing their work.

(3) They should offer safety suggestions, wherein such suggestions may contribute to a safer work environment.

(4) Intoxicating beverages and narcotics shall not be permitted or used by employees in or around the work sites. Employees under the influence of alcohol or narcotics shall not be permitted on the work site. This rule does not apply to employees taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the employee or others.

(5) Employees shall conduct themselves in a workmanlike manner while on the work site.

**NEW SECTION**

**WAC 296-54-511 PERSONAL PROTECTIVE EQUIPMENT. (1) General requirements.**

(a) Protective equipment, including personal protective equipment for eyes, face, head, hearing and extremities, protective clothing, respiratory devices and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) Employee owned equipment. Where employees are required to provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance and sanitation of such equipment.

(c) Design. All personal protective equipment shall be of safe design and construction for the work to be performed. All safety belts and attachments shall meet the requirements of section 3 of ANSI A10.14-1975.

(2) Eye and face protection. Protective eye and/or face equipment shall be required and worn where there is a probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. Suitable eye protectors shall be provided and worn where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(3) Respiratory protection. In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example: Enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to The General Safety and Health Standards, WAC 296-24-081.

(4) Occupational head protection. Hard hats meeting the specifications contained in American National

Standards Institute (ANSI) Z89.1-1969, shall be worn by all employees involved in the logging operation or any of its related activities unless such employees are protected by F.O.P.S., cabs or canopies. Hard hats shall be maintained in serviceable condition.

(5) Personal flotation devices. Employees working on, over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices in accordance with General Safety and Health Standards, WAC 296-24-086.

(6) Occupational footwear.

(a) All employees whose duties require them to walk on logs or boomsticks, shall wear sharp-calked shoes, or the equivalent, except when conditions such as ice, snow, etc., render calks ineffective. When calks are ineffective and other footwear does not afford suitable protection, workers shall not be required to work on logs or boomsticks.

(b) When nonslip type shoes or boots afford a greater degree of employee protection than calk shoes, such as at scaling stations, log sorting yards, etc., then this type footwear may be worn in lieu of calk shoes providing firm ankle support and secure footing are maintained.

(7) Leg protection. Employees whose normal duties require them to operate a power saw shall wear a flexible ballistic nylon pad or pads, sewn or otherwise fastened into the trousers, or other equivalent protection, that will protect the vulnerable area of the legs.

(8) Hand protection. All employees handling lines or other rough materials where there is a reasonable possibility of hand injury, shall wear suitable gloves or other hand protection to prevent injury.

(9) Hearing protection. Employees shall be protected against the effects of exposure to noise which exceeds the permissible noise exposures shown in the following table and chapter 296-62 WAC:

**PERMISSIBLE NOISE EXPOSURES**

Duration per day Hours	Sound Level dBA**
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
3/4	107
1/2	110
1/4	115*

\* Ceiling Value: No exposure in excess of 115 dBA.

\*\* Sound level in decibels as measured on a standard sound level meter operating on the A-weighting network with slow meter response.

(10) Protective clothing. Employees working on landings or in log sorting yards, when working on or from the ground, shall wear hard hats and yellow or orange vests, or similarly colored garments, to enable equipment operators to readily see them. It is recommended that

such hard hats and vests or outer garments be of a luminous or reflectorized material. Employees performing duties of a flagperson shall wear a hard hat and vest or garment of contrasting colors. Warning vests and hard hats worn at night shall be of a reflectorized material.

#### NEW SECTION

WAC 296-54-513 SAFETY EDUCATIONAL AND FIRST AID REQUIREMENTS. See The General Safety and Health Standards, WAC 296-24-040 through 296-24-065.

#### NEW SECTION

WAC 296-54-515 GENERAL REQUIREMENTS. (1) Emergency stops. Speed limiting devices, safety stops or emergency shut down devices or shut off valves shall be provided, with the controls so located that in the event of an emergency, the prime mover may be shut down from a safe place.

(2) Machine operators. Machine operators shall be experienced in operating the equipment they are using, except that inexperienced persons may operate the equipment to gain experience while in training and may do so only while working under immediate supervision of an experienced authorized person.

(3) Refueling vehicles. Vehicles shall not be fueled while the motors are running with the exception of helicopters, which is permitted under certain conditions. (See WAC 296-54-559(36).)

(4) Hydraulic lines. If failure of hydraulic lines would create a hazard to an equipment operator while at the operating station, safeguards shall be installed in such a manner as to eliminate the hazard. All hydraulic lines shall be maintained free of leaks and shall be shielded from damage wherever possible.

(5) Defective equipment. Equipment in need of repair shall be reported to management in writing as soon as possible and such equipment shall not be used until repairs are completed if there is a possible hazard to safety of the operator or other employees.

(6) Lock out - tag out. Procedures for lock out - tag out shall be established and implemented to prevent the accidental starting of equipment that is shut down for repairs, maintenance or adjustments.

(7) Control marking. The controls of all machines shall be marked as to their purpose in the operation of the machine.

(8) Metal objects. Metal objects driven into trees or logs shall be removed immediately after serving their intended purpose.

(9) Fire protection. An approved, fully charged and maintained, fire extinguisher shall be available at locations where machines are operating or on each vehicle.

(10) Hand tools. Hand and portable powered tools and other hand-held equipment shall be maintained and used in accordance with the General Safety and Health Standards, WAC 296-24-650.

(11) Storage, handling and marking of fuel. Fuel shall be stored, handled and marked in accordance with WAC 296-24-330.

(12) Smoking prohibited. Smoking shall be prohibited in battery charging areas and within fifty feet of all refueling operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in battery charging or refueling areas.

(13) Charging batteries. When charging batteries, the vent caps shall be kept in place to avoid electrolyte spray. Care shall be taken to ensure caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(14) Uncovered batteries. Tools and other metallic objects shall be kept away from the tops of uncovered batteries.

(15) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall be felled before the regular operations begin.

#### NEW SECTION

WAC 296-54-517 CAMPS. (1) Rules, regulations and standards for camps shall be in accordance with WAC 296-24-125.

(2) All dangerous trees or snags which could fall on any camp building must be felled.

#### NEW SECTION

WAC 296-54-519 TRANSPORTATION OF CREWS BY MOTOR VEHICLE. (1) Seats. Anchored seats shall be provided for each person when riding in any vehicle.

(2) Seat belts. The driver of a crew vehicle shall be provided with and shall wear a seat belt at all times the crew vehicle is in motion.

(3) Barricade. A substantial barricade shall be provided behind the driver of a crew bus or vehicle that will transport nine or more passengers. The barricade shall extend from the floor to at least a level even with the top of the driver's head.

(4) Safe entrance and exits. Adequate provisions shall be made for safe entrance and exits.

(5) Enclosed racks. When equipment or tools are carried inside the vehicle, they shall be stored in enclosed racks or boxes, which shall be properly secured to the vehicle.

(6) Vehicle to be stopped. Persons shall not enter or exit from any vehicle until the vehicle is completely stopped.

(7) Keep within vehicle. Persons shall keep all parts of the body within the vehicle.

(8) Stoves prohibited. Provisions shall be made for heat and light in the passenger portion of the vehicle. Use of stoves in vehicles is prohibited.

(9) Emergency exit. On vehicles designed to transport nine or more passengers, an emergency exit not less than six and one-half square feet in area, with the smaller dimension being not less than 18 inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed at all times.

(10) Fire extinguisher. When no fuel is transported in the crew vehicle, a minimum rated 5/BC dry chemical

fire extinguisher shall be kept in the passenger compartment. When fuel is transported on the crew vehicle in accordance with subsection (14) of this section, a minimum rated 10/BC dry chemical fire extinguisher shall be kept in the passenger compartment. The extinguishing agent shall be nontoxic and preferably a noncorrosive type.

(11) Crew and emergency vehicles. Vehicles designed to transport passengers shall be equipped with stretchers, two blankets, first-aid kits and a portable light. If used as a means of transporting injured persons, it shall be designed to enable persons to pass a loaded stretcher into the vehicle. Provisions shall be made for proper securing of the stretcher.

(12) Exhaust systems. Exhaust systems shall be designed and maintained to eliminate the exposure of passengers to toxic agents.

(13) Limitation of transportation of explosives. Explosives shall not be carried on any vehicle while the vehicle is being used to transport workers other than the driver and two persons.

(14) Limitation of transportation of fuels. Fuels shall be transported or stored only in approved safety containers. Enclosed areas where fuels are carried or stored shall be vented in such a manner that a hazardous concentration of fumes cannot accumulate. All containers or drums shall be properly secured to the vehicle while being transported. Commercially built vehicles of the pickup or flatbed type with a seating capacity of not to exceed six persons may be used to carry fuels in or on the bed of such vehicles, providing such fuels are not carried in the crew compartment. Van-type vehicles may be used to carry fuels only when a vapor-proof bulkhead is installed between the passenger compartment and storage compartment. Not more than forty-two gallons of gasoline may be carried or stored in the compartment and each container shall have a capacity not exceeding seven gallons.

(15) Motor vehicle laws. Motor vehicles used as crew vehicles regularly for the transportation of workers shall be covered against the weather and equipped and operated in conformity with applicable state of Washington motor vehicle laws.

(16) Operator's license. All operators of crew vehicles shall be experienced drivers and shall possess a current valid drivers license.

(17) Daily vehicle check. Operators of crew vehicles shall check brakes and lights daily and shall keep windshields and mirrors clean.

(18) Good repair. Crew vehicles shall be maintained in good repair and safe condition.

(19) Dump trucks. Dump trucks shall only be used in an emergency to transport workers and shall be equipped with adequate safety chains or locking devices which will eliminate the possibility of the body of the truck being raised while employees are riding in the truck. Emergency shall mean any unforeseen circumstances which calls for immediate action when danger to life or danger from fire exists.

(20) Means of signaling. An effective means of signaling shall be provided for communication between the

driver and the passengers being transported when they are in separate compartments.

(21) Load limit. The passenger load limit of a crew vehicle shall not exceed the seating capacity of the vehicle.

(22) Vehicle check. Crew vehicles shall be thoroughly inspected by a mechanic for defects which could create a hazardous condition for operation. Such inspections shall be carried out at least every month. Defects known to the operator shall be reported in writing to the mechanic or person in charge. If defects are found, they shall be corrected before the vehicle is used for the transportation of crews.

#### NEW SECTION

#### WAC 296-54-521 TRANSPORTATION OF CREWS BY USE OF SPEEDERS AND TRAILERS.

(1) Braking systems. All speeders shall be equipped with two separate and independently operated braking systems either of which shall be of sufficient capacity to lock all wheels when speeder is fully loaded.

(2) Sanding methods. All speeders used for transporting crews shall be equipped with methods for sanding tracks, operative for both directions of travel.

(3) Lights, windshield wipers. Electric lights of sufficient candle power and range so that vehicle can be stopped within the range of the beam, and which will shine in the direction of travel, shall be provided on all speeders. Adequate tail lights shall be installed and maintained in good order. Automatic windshield wipers of sufficient capacity to maintain clear visibility shall be installed on all speeders.

(4) Trailers. When trailers are coupled behind speeders, they shall be equipped with two separate and independent braking systems, either shall be of sufficient capacity to lock all wheels when the trailer is fully loaded. One of these shall be power operated and shall be controlled from the speeder; the other manually operated from the trailer. One man shall be designated to operate this brake in case of emergency.

(5) Trailer coupling. All trailers shall be coupled to speeders with metal couplings and safety chains or straps of sufficient strength to withstand the impact caused by a broken coupling.

(6) Trailer not to coast. No trailer shall coast or be used as a crew car without being attached to a speeder.

#### NEW SECTION

WAC 296-54-523 METHODS OF CREW TRANSPORTATION OTHER THAN THOSE SPECIFIED. Special approval. Persons or firms desiring to transport crews by methods other than those specified in these rules shall so inform the Division of Industrial Safety and Health, Department of Labor and Industries, so that an evaluation of that method may be made. Should the proposed method be found to afford a measure of safety acceptable to the Division of Industrial Safety and Health, Department of Labor and Industries, a written order stating that finding shall be issued to the person or firm concerned by the Division of Industrial

Safety and Health and the proposed method may be utilized.

### NEW SECTION

**WAC 296-54-525 RAILROAD CONSTRUCTION AND MAINTENANCE.** (1) Construction. All construction shall be according to safe logging practice as to size of rails, ties, track accessories and methods of installing same.

(2) Rail guards. Rail guards shall be placed on main lines and spurs, consistent with type of traffic and general local conditions.

(3) Rail anchors. Rail anchors of approved design shall be installed wherever practicable.

(4) Frogs, switches and guard rail ends. Frogs, switches and ends of guard rails shall have either patent or wooden foot guard blocking installed.

(5) Slip plates. Slip plates shall be used under all switches and switch points.

(6) Wire for telephone lines. All above ground wire for permanent telegraph or telephone lines used for dispatching must be well strung on insulators and shall be clear of ground and obstruction.

(7) Insulators. Where telephone lines are strung under or near power lines, foot stools mounted on insulators in front of telephone boxes must be used, unless other protection is provided, which affords a substantially equivalent measure of safety.

(8) Trestles. Foundations, pile trestles, framed bent trestles, mud sills, or other framework of all structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. Such structure shall be maintained in good condition and repair and shall be inspected at least annually by a qualified person and a record maintained of inspection which shall be made available to the Division of Industrial Safety and Health on request.

(9) Wooden guard. Outside wooden guard rails shall be installed on all railroad bridges except that outside wooden rails will not be required where inside steel guard rails are used. They shall extend not less than six inches above the top of the ties and shall be bolted or spiked to ties at intervals of not more than five feet. Spacer blocks shall be used unless ties are spiked to stringers, or guard rails are dapped to avoid need for spacer blocks.

(10) Bridge ties. Regular bridge ties of not less than ten feet in length shall be used on all railroad bridges constructed after the effective date of these standards.

(11) Safety platforms. On trestles and bridges whose length exceeds two hundred fifty feet, safety platforms providing safe standing space for two persons shall be installed and spaced so that a person on the trestle or bridge is never more than one hundred twenty-five feet from a safety platform or the end of the bridge or structure.

(12) Bridges and trestles used as footways. All railroad bridges and trestles used habitually as footways shall be provided with a plank walkway not less than twelve inches wide and two inches thick, located between the rails, and shall extend from end to end of bridge or trestle.

(13) Walkway. A suitable substantial walkway not less than three feet wide with handrail shall be installed on bridges or trestles where train crews are required to perform routine inspection or repair work on trains. Substantial platforms and handrails shall be provided where switches are located on bridges or trestles. Adequate clearance shall be allowed for the throw of the switch.

(14) Clearing right of way. All dangerous trees, snags or brush shall be cleared a safe distance from both sides of the track and any obstruction that will create a transportation hazard shall be removed.

(15) Secure footing at switches. Material shall be provided which will promote secure footing at places alongside the track where employees customarily perform duties, such as inspect loads, set brakes by hand or throw switches.

(16) Clearance between tracks. The distance between any main tracks and side track shall be such that there shall be a clearance of four feet between bunk ends and locomotive cabs.

(17) Clearances. The minimum horizontal clearances on each side of the center line of standard gauge main-line railroads shall be eight feet, and the vertical clearance shall be twenty-two feet above the top of each rail (in accordance with standard railroad engineering practices).

(18) Derailers.

(a) Derailers shall be installed and used on all landings, passing tracks and spurs where cars are left on a grade.

(b) These derails shall be located in such a manner that they will be close to standing equipment and will not operate to create a hazard to buildings and other railroad lines.

(c) Derailers shall not be located on the inside rail on a sharp curve.

(d) Derail signs shall be set on both sides of the track even with derailer.

(e) When a derailer is no longer needed, it shall be removed or rendered inoperative.

### NEW SECTION

**WAC 296-54-527 TRUCK ROADS.** (1) Truck road grades. Truck road grades shall not be too steep for safe operation of logging or work trucks which operate over them and shall not exceed twenty percent in any case unless a positive means of lowering trucks is provided.

(2) Truck road surfaces.

(a) Truck roads shall be of sufficient width and evenness to insure the safe operation of equipment.

(b) Hazards such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment, shall be immediately corrected.

(c) Road width. Truck roads shall be of sufficient width for two trucks to pass, or some type of signal system shall be maintained or speed limited to such that the vehicle can be stopped in one-half the visible distance.

(3) Safe roadways. All danger trees shall be felled a safe distance back from the roadway. Rocks, which present a hazard, shall be cleared from banks. Brush and

other materials that obstruct the view at intersections or on sharp curves shall be cleared. (This subsection is applicable only to those portions of roads under direct control of the employer.)

(4) Bridges. All structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. All bridges shall have an adequate number of reflectors to clearly define the entrance to the bridge. All structures shall be maintained in good condition and repair and shall be inspected at least annually by a qualified authorized person and a record maintained of each inspection, which shall be made available to the Division of Industrial Safety and Health, Department of Labor and Industries on request.

(5) Shear rails. Shear rails shall be installed on both outside edges of bridges. The shear rails must be securely fastened and made of material capable of withstanding the impact generated by contact with the wheels of a loaded vehicle. The top of shear rails shall be not less than fifteen inches above the bridge surface. Bridges in use prior to the effective date of these regulations with outside shear rails of a minimum of ten inches high or center type shear rails of not less than five inches high are permissible until such time repairs are needed.

(6) Control of dust on logging roads. Measures shall be instituted which will minimize dust to such degree that visibility will not be reduced beyond the point where an operator can safely operate a vehicle. Vehicle operators shall govern the speed of vehicles by road conditions.

(7) Fenders. Pneumatic-tired equipment shall be equipped with fenders as described in the Society of Automotive Engineers Technical Report J321a.

## NEW SECTION

WAC 296-54-529 FALLING AND BUCKING—GENERAL. (1) Before starting to fall or buck any tree or snag, the cutter shall survey the area for possible hazards and proceed according to safe practices. Snags which are unsafe to cut shall be blown down with explosives or felled by other safe methods.

(2) Workers shall not approach a faller within reach of the trees being felled unless a signal has been given and acknowledged by the faller that it is safe to approach.

(3) Before falling or bucking any tree, sufficient work area shall be swamped and an adequate escape path shall be made. An escape path shall be used as soon as the tree or snag is committed to fall, roll or slide.

(4) Warning to be given. Fallers shall give timely and adequate warning prior to falling each tree; such warning shall be given with the saw motor shut off. Persons in the area shall give response to the faller and shall also notify him when they are in the clear.

(5) A competent person, properly experienced in this type of work, shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless working under the direct supervision of an experienced worker.

(6) Snags that have loose bark in the area of the proposed cut shall have the bark removed before being

felled. When a snag has elevated loose bark which cannot be removed, the buddy system shall be used to watch for and give warning of falling bark or other hazards.

(7) Tools of fallers and buckers, such as axes, sledges, wedges, saws, spring boards, etc., must be maintained in safe condition. Case hardened or battered sledges and wedges shall not be used. All tools shall be used for their intended purposes.

(8) Trees shall not be felled if the falling tree can endanger any worker or strike any line or any unit in the operation.

(9) When practical, strips shall be laid out so cutters face out into opening when starting strip, and all trees shall be felled into the open whenever conditions permit.

(10) Trade leaners. Cutters shall not fall into another strip; leaners on the line shall be traded.

(11) When there is danger from kickback of a sapling, the same must be either undercut or felled.

(12) Cutters shall place an adequate undercut and leave sufficient holding wood to insure the tree will fall in the intended direction. When required, mechanical means shall be used to accomplish this objective.

(13) Cutters shall be careful their chopping range is unobstructed.

(14) Cutters shall confer with their supervisor regarding a safe manner of performing the work and in unusually hazardous situations shall not proceed with the work until their method has been approved by their supervisor.

(15) The person in charge of cutting crews shall regularly inspect the work of the cutting crews and shall be responsible for seeing the work is performed in a proper and safe manner.

(16) Common sense and good judgment must of necessity govern the safety of cutters as affected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction or when vision is impaired by dense fog or darkness.

(17) Cutters shall be assigned to work in locations where they are in contact with others or their welfare shall be checked on as provided for by WAC 296-54-507(2).

(18) Persons in charge of cutting crews shall account for all persons in their crews being on hand when work ceases as provided for by WAC 296-54-507(3).

(19) All fallers and buckers shall have a current first-aid card.

(20) All fallers and buckers shall carry or have with them in near proximity at all times, an axe, a minimum of two wedges, a whistle and a first-aid kit. The whistle shall be carried on their person.

(21) Special precautions shall be taken to prevent trees from falling into power lines. If it appears that a tree will hit a power line, the power company shall be notified before it is attempted to fall the tree. If an unsuspected tree does contact a power line, the power company shall be notified immediately and all persons shall remain clear of the area until the power company personnel advise that conditions have been made safe to resume operations.

(22) Wedges shall be of soft metal, hardwood or plastic.

(23) Wedges shall be driven with a hammer or other suitable tool. Double-bitted axes or pulaskies shall not be used for this purpose.

(24) While wedging, fallers shall watch for falling limbs or other material that might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited.

(25) Undercuts are required except in matchcutting, and shall be large enough to safely guide trees and eliminate the possibility of splitting. Trees with no perceptible lean having undercuts to a depth of one-fourth of the diameter of the tree with a face opening equal to one-fifth of the diameter of the tree, will be assumed to be within reasonable compliance with this rule. Swing cuts are prohibited.

(26) Undercuts shall be completely removed except when a dutchman is required on either side of the cut.

(27) Backcuts shall be as level as possible and shall be approximately two inches higher than the undercut, except in tree pulling.

(28) Trees with face cuts or backcuts shall not be left standing. When a tree is not completely felled, the faller shall clearly mark the tree, shall discontinue work in the hazardous area and notify his immediate supervisor. The supervisor shall be responsible for notifying all workers who might be endangered and shall take appropriate measures to ensure that the tree is safely felled before other work is undertaken in the hazardous area.

(29) To avoid use of wedges, which might dislodge loose bark or other material, snags shall be felled in the direction of lean unless other means (mechanical or dynamite) are used.

(30) Lodged trees shall be clearly marked and identified by a predetermined method and all persons in the area shall be instructed not to pass or work within two tree lengths of such trees except to ground them.

(31) Work areas shall be assigned so that a tree cannot fall into an adjacent occupied work area. The distance between work areas shall be at least twice the height of the trees being felled. A greater distance may be required on downhill slopes depending on the degree of the slope and on the type of trees and other considerations.

(32) Where felled trees are likely to roll and endanger workers, cutting shall proceed from the bottom toward the top of the slope, and performed uphill from previously felled timber.

(33) Cutters shall not be placed on a hillside immediately below each other or below other operations where there is probable danger.

(34) Fallers shall be informed of the movement and location of buckers or other cutters placed, passing or approaching the vicinity of trees being felled.

(35) A flagperson(s) shall be assigned on roads where hazardous conditions are created from falling trees. Where there is no through traffic, such as on a dead end road, warning signs or barricades shall be used.

(36) No tree or danger tree shall be felled by one cutter where and when the assistance of a fellow cutter

is necessary to minimize the dangers or hazards involved.

(37) Cutters shall be in the clear as the tree falls.

(38) Undercuts and backcuts shall be made at a height above the highest ground level to enable the cutter to safely begin the cut, control the tree, and have freedom of movement for a quick escape to be in the clear from a falling tree.

(39) When falling, a positive means, method or procedure that will prevent accidental cutting of necessary holding wood shall be established and followed. Particular care shall be taken to hold enough wood to guide the tree or snag and prevent it prematurely slipping or twisting from the stump.

(40) The undercut shall not be made while buckers or other workers are in an area into which the tree could fall.

(41) Matchcutting should not be permitted and shall be prohibited for trees larger than six inches in diameter breast high.

(42) The tree (and root wad if applicable) shall be carefully examined to determine which way the logs (and root wad) will roll, drop, or swing when the cut is completed. No worker shall be allowed in this danger zone during cutting.

(43) Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible, cutters shall warn the rigging crew of locations where such unfinished cuts remain.

(44) Cutters shall give timely warning to all persons within range of any log which may have a tendency to roll after being cut off.

(45) Propping of logs or trees as a means to protect workers downslope from the logs or trees, shall be prohibited.

(46) Logs shall not be jackstrawed when being bucked in piles or decks at a landing.

## NEW SECTION

WAC 296-54-531 FALLING AND BUCKING—POWER SAWS AND POWER EQUIPMENT. (1) Operators shall inspect chain saws daily to ensure that handles and guards are in place, and controls and other moving parts are functional.

(2) Fuel outdoors. The chain saw shall be fueled outdoors at least fifty feet from persons smoking or from other potential sources of ignition.

(3) Chain saws shall not be operated unless equipped with a muffler.

(4) Idler end of power chain saw blade on all two-man machines shall be adequately guarded.

(5) Combustion-engine type power saws shall be equipped with a positive means of stopping the engine.

(6) Electric power saws shall be equipped with an automatic (deadman type) control switch. Saws with faulty switches shall not be used.

(7) Unless the carburetor is being adjusted, the saw shall be shut off before any adjustments or repairs are made to the saw, chain or bar.

(8) Combustion-engine type power saws shall be equipped with a clutch.

(9) The chain saw clutch shall be properly adjusted to prevent the chain from moving when the engine is at idle speed.

(10) Power chain saws with faulty clutches shall not be used.

(11) The bar shall be handled only when the power chain saw motor is shut off.

(12) Power chain saws shall have the drive end of the bar guarded.

(13) Combustion-engine driven power saws shall be equipped with an automatic throttle control (deadman type), which will return the engine to idle speed upon release of the throttle (idle speed is when the engine is running and the chain does not rotate on the bar).

(14) When falling of tree is completed, the power saw motor shall be shutoff. Where terrain or brush creates a hazardous condition, the power saw motor shall be shut-off while the operator is traveling to the next cut. The power saw motor shall also be shutoff while fueling.

(15) Saw pinching and subsequent chain saw kickback shall be prevented by using wedges, levers, guidelines, and saw placement, or by undercutting.

(16) Cutters shall not use the chain saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

(17) Effective January 1, 1980, all power saws shall be purchased and maintained with chain brakes to minimize kickbacks.

(18) Reserve fuel shall be handled and stored in accordance with WAC 296-24-37009.

(19) Hand-held files shall be equipped with a handle.

(20) Only experienced cutters shall buck windfalls.

(9) When tree jacking, the facecut shall be nominally one-fourth the diameter of the tree.

(10) The vertical height of the facecut shall be not less than one-fifth of the diameter of the tree when tree jacking.

NOTE: See Figure No. 1, for illustrations of undercuts.

## NEW SECTION

WAC 296-54-533 FALLING AND BUCKING—SPRINGBOARDS AND TREE JACKING. (1) Springboards shall be of clear, straight-grained sound stock of sufficient length, width and strength and shall be replaced when they will no longer safely support the expected load at the extreme end.

(2) Springboard irons shall be well lipped and firmly attached with bolts or a means of attachment furnishing equivalent strength.

(3) Two workers shall be present when falling any tree or snag when springboards are used.

(4) Power saw chains shall be stopped while shifting springboards.

(5) Jack plates shall be used with hydraulic tree jacks and the base plate shall be seated on solid wood inside the bark ring as close to level as possible.

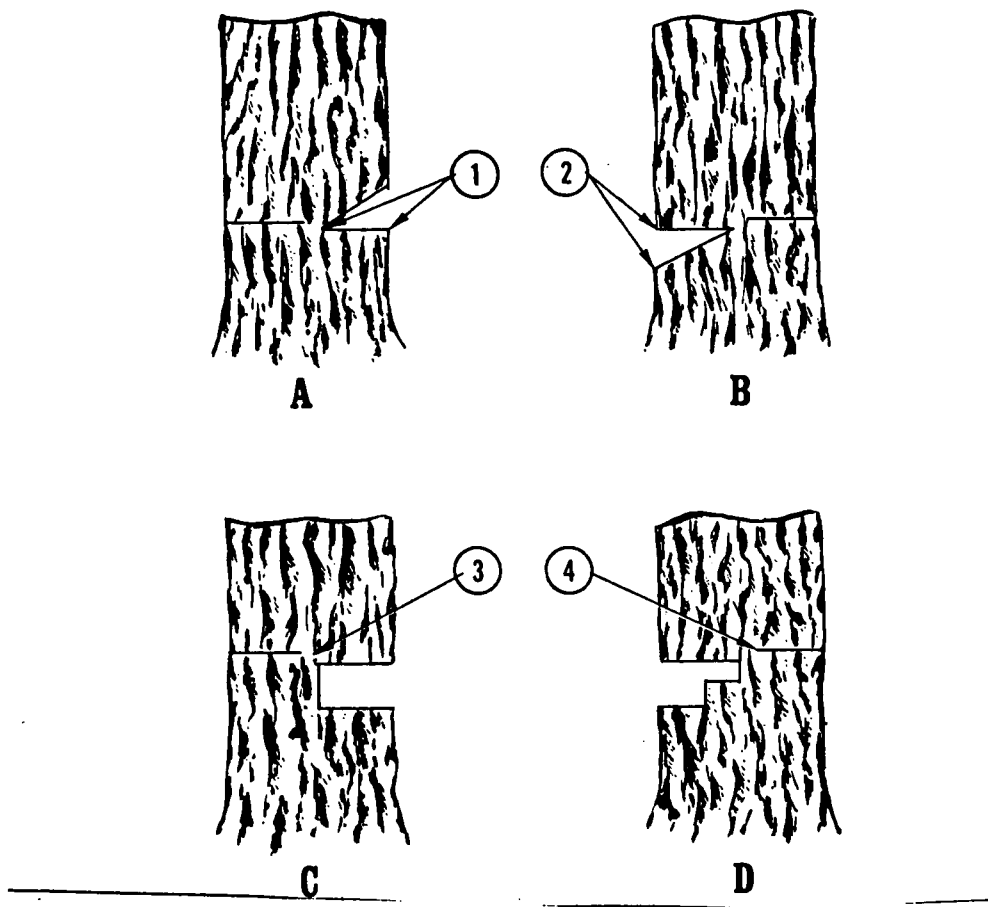
(6) Two workers shall be present at all times during the use of tree jacks.

(7) Wedges shall be used as a follow-up method while using tree jacks. The wedges shall be continuously moved in as the tree is jacked.

(8) Effective January 1, 1980, all hydraulic tree jacks shall be equipped with an operable velocity fuse (check valve) and the pump shall be equipped with an operable pressure gauge.



### UNDERCUTS



(A) Conventional undercut. Can be made with parallel saw cut and axe diagonal cut or both cuts with the saw. Generally used on trees of small diameter.

(B) Both cuts made with the saw. Leaves square-end log. Same as (A), except that waste is put on the stump.

(C) Two parallel cuts with the saw. The material between the cuts is chipped out with an axe-adz (pulaski) combination. Used on trees over 30 inches in diameter.

(D) Three parallel cuts with the saw, leaving a step. Same in principle as (C). Used on trees of very large diameters.

Item

- 1 Undercut Depth
- 2 Undercut Height
- 3 Holding Wood
- 4 Backcut

*Figure No. 1*

NEW SECTION

WAC 296-54-535 TREE PULLING. (1) The cutter shall be responsible for determining if a tree can be safely pulled. If, for any reason, the cutter believes the tree pulling cannot be completed safely, the tree shall be conventionally felled.

(2) Positive radio communications shall be maintained at all times between the tree pulling machine and cutter when tree pulling. An audible signal shall be blown when the initial pull is made on the tree and the line is tightened. Hand signals, in lieu of radio communications and an audible signal, may be used only if the cutter is clearly visible to the tree puller operator.

(3) A choker, choker bell, or a line and sleeve shackle shall be used as the means of attachment around the tree when tree pulling. The bight on the line shall be only that necessary to hold the choker or line around the tree.

(4) The tree pulling machine shall be equipped with a torque converter, fluid coupler, or an equivalent device to insure a steady even pull on the line attached around the tree.

(5) The tree pulling line shall have as straight and direct path from the machine to the tree as possible. Physical obstructions which prevent a steady even pull on the tree pulling line shall be removed or the line shall be rerouted.

(6) Siwashing, in lieu of a block, in order to change tree pulling lead, is prohibited.

#### NEW SECTION

##### WAC 296-54-537 MECHANIZED FALLING.

(1) When using selfpropelled mobile falling devices, a watchman and/or warning signs shall be posted at appropriate locations indicating that devices of this type are being used to fall trees.

(2) Self-propelled mobile falling equipment used for falling trees shall be designed in a manner or shall have auxiliary equipment installed which will cause the tree to fall in the intended direction.

(3) Mechanized falling shall be conducted in such a manner as not to endanger persons or equipment.

(4) Where a mechanized feller incorporates a cab structure having a single entrance door, it shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle roll-over or fire. Cab doors shall be fitted with latches operable from both sides of the door.

#### NEW SECTION

##### WAC 296-54-539 CLIMBING EQUIPMENT AND PASSLINE.

(1) Standard climbing equipment shall be furnished by the employer; however, this shall not be construed to mean that the climber may not use his own equipment, provided it meets the following standards and is permitted by the employer. The climbing ropes shall be of steelcore type. The climber may fasten his rope by passing it through "D" rings fastened to the belt and around his body before tying it to itself. When topping standing trees, a steel chain of 3/16-inch or larger, with appropriate fittings attached, shall be used in addition to the climbing rope. All climbing equipment shall be maintained in good condition. An extra set of climbing equipment shall be kept at the climbing operation and another person with climbing experience shall be present.

(2) A person shall ride only the passline to thread lines, oil blocks or to inspect rigging.

(3) No one shall work directly under a tree except when directed by the climber. Warning shall be given prior to intentionally dropping any objects or when objects are accidentally dropped.

(4) Running lines shall not be moved while the climber is working in the tree, except such "pulls" as he directs and are necessary for his work.

(5) One experienced person shall be dispatched to transmit the climber's signals to the machine operator and shall not otherwise be occupied during the time the climber is in the tree, nor shall the machine operator be otherwise occupied while the climber is using the passline. The designated signalman shall position himself clear of hazards from falling, flying or thrown objects.

(6) Splices and knots in passline are not permitted. Chains used in passlines shall be in good condition and shall not contain cold shuts or wire strands.

(7) The climber shall be an experienced logger with proper knowledge of logging methods and the safety of rigging spar and tail trees.

(8) Trees shall not be topped during windy weather.

(9) At no time shall topping, rigging-up, or stripping work be done when visibility is impaired.

(10) When the friction lever and passline drum is on the opposite side of the machine from the operator, an experienced person shall operate the friction lever while the engineer operates the throttle. While being used, the passline drum shall be properly attended by another person to guide the passline onto the passline drum with a tool suitable for the purpose.

(11) The use of a gypsy drum for handling persons in the tree is prohibited.

(12) Danger trees leaning towards and within reach of landings, roads, rigging or work areas shall either be felled before the regular operations begin or work shall be arranged so that workers will not be exposed to hazards involved.

(13) Noisy equipment such as power saws, tractors and shovels shall not be operated around the area where a climber is working when such noise will interfere with the climber's signals.

(14) Climbing and passline equipment shall not be used for other purposes.

(15) Defective climbing equipment shall be immediately removed from service.

(16) The climber shall be equipped with a climbing equipment assembly having a breaking strength of not less than five thousand four hundred pounds.

The equipment shall include:

- (a) A safety belt with double "D" rings;
- (b) Steel spurs long and sharp enough to hold in any tree in which they are used; and
- (c) A climbing rope made of wire-core hemp, wire or chain construction.

(17) When the climber is using a chain saw in the tree, the climbing rope shall be made of material that cannot be severed by the saw.

(18) The climbing rope or chain shall be attached to both the two "D" rings at the side of the belt, or passed through the "D" rings and around the body.

(19) Lineman hooks shall not be used as spurs.

(20) When power saws are used in topping or limbing standing trees, the weight of the saw shall not exceed thirty pounds.

(21) Tools used by the climber, except the power saw, shall be safely secured to his belt when not in use.

(22) Snaps shall not be used on a climber's rope unless a secondary safety device between the belt and snap is used.

(23) A climber's rope shall encircle the tree before the climber leaves the ground except when the climber is riding the passline.

(24) While the climber is working in the tree, persons shall keep at sufficient distance from the tree to be clear of falling objects.

(25) When used, passline fair-leads shall be kept in alignment and free from fouling at all times.

(26) Spikes, used by the climber as a temporary aid in hanging rigging, shall be removed before the tree is used for logging.

(27) Loose equipment, rigging or material shall either be removed from the tree or securely fastened.

(28) All spar trees shall be equipped with passlines that shall:

(a) Be not less than 5/16-inch and not be over 1/2-inch in diameter;

(b) Not be subjected to any sawing on other lines or rigging, and kept clear of all moving lines and rigging;

(c) Be of one continuous length and in good condition with no splices, knots, molles, or eye-to-eye splices between the ends;

(d) Be long enough to provide three wraps on the drum before the climber leaves the ground.

(29) Drums used for passlines shall have sufficient flange depth to prevent the passline from running off the drum at any time.

(30) Passline chains shall:

(a) Be not less than 5/16-inch alloy or 3/8-inch high test chain and shall not contain cold shuts or wire strands;

(b) Be attached to the end of the passline with a screw-pin shackle, a slip-pin shackle with a nut and molle, or a ring large enough to prevent going through the pass block; and

(c) Be fitted with links or rings to prevent workers from being pulled into the passline block.

(31) Pass blocks shall:

(a) Be inspected before placing in each spar and the necessary replacements or repairs made before they are hung;

(b) Have the shells bolted under the sheaves;

(c) Have the bearing pin securely locked and nuts keyed or the block be of the type which positively secures the nut and pin;

(d) Equipped with sheaves not less than six inches in diameter; and

(e) Comply with applicable portions of WAC 296-54-543(6) pertaining to blocks.

(32) When workers are required to go up vertical metal spars, passlines, chains and blocks shall be provided and used.

#### NEW SECTION

**WAC 296-54-541 SELECTION OF SPAR, TAIL AND INTERMEDIATE TREES.** (1) Douglas fir or spruce shall be used as spar, tail, or intermediate support trees when they are available. If other species must be

used, additional guylines, tree plates, or other precautions shall be taken to insure the tree will withstand the strains to be imposed.

(2) Spar, tail and intermediate support trees shall be examined carefully for defects before being selected. They shall be sound, straight, green and of sufficient diameter to withstand the strains to be imposed.

(3) Trees having defects that impair their strength shall not be used for spar, tail or intermediate support trees. Raised trees shall be identified and marked as such.

(4) Before raising spar trees, dummy trees shall be topped and guyed with three guylines equivalent in breaking strength to the mainline.

#### NEW SECTION

**WAC 296-54-543 GENERAL REQUIREMENTS.** (1) Rigging.

(a) Rigging shall be arranged and operated so rigging or loads will not foul, rub or saw against lines, straps, blocks or other equipment.

(b) A thorough inspection of all blocks, straps, guylines and other rigging shall be made before they are placed in positions for use. Inspections shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, and of lubrication, and the condition of straps and guylines. All necessary repairs or replacements for safe operation shall be made before the rigging is used.

(c) Rigging equipment, when not in use, shall be stored so as to not present a hazard to employees.

(d) Running lines shall be arranged so workers will not be required to work in the bight. When this is not possible, workers shall move out of the bight of lines before the lines are tightened or moved.

(2) Shackles.

(a) Shackles with screw pins should have either a molle or cotter key when used to fasten guylines to spar trees.

(b) All shackles used to hang blocks, jacks, or rigging on trees or loading booms shall have the pins fastened by a nut secured with a cotter pin or molle. When used, molles shall be as large as the pin hole will accommodate and with the loose ends rolled in.

(c) The size of the opening between the jaws of shackles used to hang blocks, jacks, rigging, and for joining or attaching lines, shall not be more than one inch greater than the size of the rope, swivel, shackle, or similar device to which it is attached.

(d) All shackles used for mainline or skyline extensions shall be of a type designed for that purpose.

(e) Shackles used other than for mainline extension connections, shall be of the screw-pin type or with the pin secured by a nut and cotter pin or molle, except as specified elsewhere for specific purposes.

(f) Shackles, swivels, links and tree plates shall be replaced or repaired when they will not safely support the imposed strains of their intended use.

(g) Shackles shall not be loaded in excess of the working load recommended by the manufacturer.

(h) All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects.

### (3) Straps.

(a) Safety straps of appropriate size shall be placed on all high lead blocks; also other blocks whenever practicable. Safety straps shall be shackled, with closed end of shackle up, to a guyline which extends as near as possible at right angles with power unit, but shall not be placed on a guyline having an extension within one hundred feet of the tree. When the top guyline on which the safety strap of the high lead block is fastened is changed, safety strap must be attached to another guyline or loosened guyline tightened after change.

(b) All tree straps shall be at least 1/4-inch larger than the pulling line. If impossible to use safety strap, all tree straps shall be 1/2-inch larger than the pulling line.

(c) All straps in back of show must be as large as the running line.

(d) All blocks other than passline and straw line lead blocks shall be hung in both eyes or "D's" of straps. Threading eye through eye is prohibited.

(e) Skyline jack shall not be hung by double strap through shackle and hanging jack in two eyes.

(f) Tree straps shall initially be made of new wire rope when made up. They shall be replaced when there is evidence of damage or broken wires.

(g) A guyline safety strap or equivalent device shall be installed at the top of metal spars to prevent guylines from falling more than five feet in case of structural or mechanical failure of the guyline attachment.

(h) Metal spar guyline safety straps or equivalent devices shall be equal to the strength of the guyline.

(i) Nylon straps may be used in accordance with manufacturer recommendations.

(j) Nylon straps shall be removed from service when the wear reaches the limits prescribed by the manufacturer. The person responsible for inspecting the condition of rigging shall be aware of these limits.

### (4) Guylines.

(a) All component parts of the guyline system on head tree shall be of equal or greater strength than the mainline and guylines shall be properly spaced to effectively oppose the pull of the mainline.

(b) Guylines on wood spar trees shall be secured to solid stumps with not less than two and one-half complete wraps with at least six staples or eight railroad spikes driven solidly into sound wood on the first and last wrap. The bark shall be removed and the stump adequately notched or other equivalent means shall be used to prevent movement of the line on the stump or tree. Guyline stumps shall be inspected periodically. Guylines may be secured to properly installed "deadmen" when suitable stumps are not available. It is permissible, on the tail tree, to secure the guylines by placing three wraps around a tree or stump and securing them properly by use of clamps.

(c) When a mainline of 7/8-inch or less is used, the spar shall be supported by at least five top guylines or other positive means of supporting the spar.

(d) When tail hold on skyline is choked on stump, there shall be no excessive bight against shackle.

(e) In removing guylines and skylines from stumps, etc.:

(i) A reversed safety wrap shall be put on and secured before loosening the last wrap.

(ii) An experienced person shall be in charge loosening guylines or skylines using proper precautions, and giving warning before lines are released.

(iii) Safety holdbacks shall be used when necessary for the safety of workers.

(iv) Powder or power shall be used for releasing the last wrap on skylines.

(f) Guylines shall be used with any logging equipment when required by the equipment manufacturer.

(g) Guying shall not be less than the minimum recommended by the equipment manufacturer.

(h) Top guys on vertical metal and wooden spars which require five or more guylines shall be so arranged that at least three guys oppose the pull of the load, with at least one guyline anchored adjacent to the yarding quarter.

(i) Guylines shall be of plow steel or better material, and shall be maintained in good condition.

(j) When side blocking or lateral yarding, lateral stability to the head spar tree shall be insured by guylines sufficient in number, breaking strength and spacing.

(k) All guylines shall be kept well tightened while the spar, tree, equipment or rigging they support is in use.

(l) All trees that interfere with proper alignment, placement or tightening of guylines shall be felled.

(m) Guylines shall be hung in a manner to prevent a bight or fouling when they are tightened.

(n) All spliced guyline eyes shall be tucked at least three times.

(o) Extensions to guylines shall be:

(i) Equal in strength to the guyline to which they are attached; and

(ii) Connected only by a shackle connecting two spliced eyes or by double-end hooks. Connections shall have at least one and one-half times the strength of the guyline.

(p) Portable metal spars and their appurtenances shall be inspected by a qualified person each time the spar is lowered and at any time its safe condition is in doubt. When damage from over-stress is noted or suspected, the part in question shall be inspected by a suitable method and found to be safe, or the part repaired or replaced before the spar is again used.

(q) No person shall go up a raised metal spar unless suitable passline equipment is provided and used.

(r) Repairs, modifications or additions which affect the capacity or safe operation of metal spars shall be made only under the direction of a registered engineer and within the manufacturer's recommendations.

(i) In no case shall the original safety factor of the equipment be reduced.

(ii) If such modifications or additions are made, the identification plate required by WAC 296-54-553(1) shall reflect such changes.

(s) When using skylines 7/8-inch or smaller, tail trees shall be supported by at least two guylines when the rigging is placed on the tail tree at a height greater than

five times the tree diameter (dbh) or higher than ten feet from the highest ground point, whichever is lower.

(t) When using skylines one inch or larger, tail trees shall be supported by at least four guylines when the rigging is placed on the tail tree at a height greater than five times the tree diameter (dbh) or higher than ten feet from the highest ground point whichever is lower.

(u) Tail trees shall be supported by additional guylines if necessary to insure stability of the tree.

(v) Wood head spar trees shall be guyed as follows:

(i) All spar trees one hundred ten feet and over in height shall be provided with a minimum of six top guys and three buckle guys, each of which shall be substantially equal in strength to the strength of the mainline. This requirement, however, shall not be construed as applying where more than three buckle guys are specifically required.

(ii) Spar trees used for loading and yarding at the same time, or for loading and swinging at the same time, or supporting a skyline yarding system, shall have not less than six top and four buckle guylines each of which shall be substantially equal in strength to the strength of the mainline.

(iii) Spar trees under one hundred ten feet high used only for yarding with heavy equipment (over 7/8-inch mainline) shall have not less than six top guys each of which shall be substantially equal in strength to the strength of the mainline.

(iv) Spar trees used for yarding with light equipment (7/8-inch or smaller mainline) shall be guyed in such a manner that strains will be imposed on not less than two guylines. If less than five top guys are used, guylines shall be at least 1/4-inch larger than the mainline.

(v) More guylines shall be added if there is any doubt as to the stability of any spar tree, raised tree, tail trees and lift trees, or other equipment or rigging they support.

(w) Guylines shall alternately be passed around the wood spar in opposite directions to prevent twisting of the spar.

(x) Guylines shall be attached to the upper portion of the wood spar by means of shackles.

(y) A-frames shall be guyed by at least two quarter-guylines and one snap guyline or equivalent means to prevent A-frame from tipping back.

#### (5) Anchoring.

(a) Stump anchors used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. When necessary, stump anchors shall be tied back in a manner that will distribute the load.

(b) Stump anchors shall be barked where attachments are to be made, or devices designed to accomplish the same purpose shall be used.

(c) Stump anchors shall be notched to a depth not greater than one and one-half times the diameter of the line to be attached.

(d) Deadman anchors may be used if properly installed. Guylines shall not be directly attached to deadman anchors. Suitable straps or equally effective means shall be used for this purpose.

(e) Rock bolts and other types of imbedded anchors may be used if properly designed and installed.

(f) Stumps, trees and imbedded type guyline anchors shall be regularly inspected while the operation is in progress. Insecure or hazardous anchors shall be immediately corrected.

(g) Workers shall not stand close to the stump, or in the bight of lines as the guyline or wraps are being tightened.

#### (6) Blocks.

(a) All blocks shall:

(i) Not be used for heavier strains or lines than those for which they are constructed;

(ii) Be fitted with line guards and shall be designed and used in a manner that prevents fouling, with the exception of special line blocks not designed with line guards;

(iii) Be kept in proper alignment when in use;

(iv) Have bearing and yoke pins of a material that will safely withstand the strains imposed and shall be securely fastened;

(v) Have sheaves of a size designed for the size of the wire rope used.

(b) Blocks with cracked or excessively worn sheaves shall not be used.

(c) Lead blocks used for yarding, swinging, loading and unloading used in wood spars shall:

(i) Be of the type and construction designed for this purpose;

(ii) Be bolted with not less than two bolts through the shells below the sheaves in a manner that will retain the sheave and line in case of bearing pin failure (this does not apply to haulback lead blocks); and

(iii) Mainline blocks shall have a sheave diameter of not less than twenty times the diameter of the mainline.

(d) Block bearing shall be kept well lubricated.

(e) All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging.

(f) All pins in blocks shall be properly secured by "Molle Hogans" or keys of the largest size the pin hole will accommodate. When blocks are hung in trees, threaded pins and nuts shall be used.

(g) Sufficient corner or tail blocks to distribute the stress on anchors and attachments shall be used on all logging systems.

(h) Blocks used to lead lines directly to yarding, loading or unloading machines other than passline or straw-line blocks shall be hung by the following method: In both eyes or "D"s of straps; threading eye through eye is prohibited.

(i) Tail, side or corner blocks used in yarding shall be hung in both eyes of straps.

#### (7) Wire Rope.

(a) Wire rope shall be of the same or better grade as originally recommended by the equipment manufacturer.

(b) Wire rope shall be removed from service when any of the following conditions exist:

(i) In running ropes, six randomly distributed broken wires in one lay or three broken wires in one strand in one lay;

(ii) Wear of one-third the original diameter of outside individual wires. Kinking, crushing, bird-caging, or any

other damage resulting in distortion of the rope structure;

- (iii) Evidence of any heat damage from any cause;
- (iv) Reductions from nominal diameter of more than 3/64-inch for diameters to and including 3/4-inch, 1/16-inch for diameters 7/8-inch to 1-1/8-inch, inclusive, 3/32-inch for diameters 1-1/4-inches to 1-1/2-inches inclusive;
- (v) In standing ropes, more than two broken wires in one lay in sections beyond end connections or more than one broken wire at an end connection;
- (vi) In standing ropes, when twelve and one-half percent of the wires are broken within a distance of one wrap (lay); and
- (vii) Corroded, damaged or improperly applied end connections.

(c) Wire rope shall be kept lubricated as conditions of use require.

**(8) Splicing Wire Rope.**

(a) Marlin spikes or needles in good condition and large enough for the size of the line being spliced, shall be used for splicing.

(b) When available, and practical to use, a patented wire cutter shall be used. If using a wire axe to cut cable, the hammer used to strike the axe shall be made of soft nonspalling type material. Eye and face protection shall be worn in accordance with WAC 296-54-511(2).

(c) Short splices, eye to eye splices, cat's paws, knots, molles and rolled eyes are prohibited except for use in the moving of slack lines. Knots will be permitted for use on single drum tractors and grapple pick-up lines when properly tied.

(d) Wire rope 1/2-inch or less in diameter may be tucked two times provided the rope is used only as straw line.

(e) Splices other than eye splices in lang lay lines are prohibited. Eye splices in lang lay lines shall be tucked at least four times.

(f) Long splices shall be used for permanently joining "regular lay" running lines.

(g) When U-bolt wire rope clips (clamps) are used to form eyes on high strength wire rope, an additional clip (clamp) for each grade of line above improved plow steel shall be used over and above the following table: (See Figure No. 2, following this section, for proper application of wire rope clips.)

Improved Plow Steel Diameter of Rope	Number of Clips Drop Forged	Minimum Required Space Other Material Between Clips
1/8 to 5/8 inch	3	43-3/4 inches
3/4 inch	4	54-1/2 inches
7/8 inch	4	55-1/4 inches
1 inch	5	66 inches
1-1/8 inch	6	66-3/4 inches
1-1/4 inch	6	77-1/2 inches
1-3/8 inch	7	78-1/4 inches
1-1/2 inch	7	89 inches

(h) All line eye splices shall be tucked at least three full tucks. D's and knobs are recommended for line ends.

(i) Two lines may be connected by a long splice, or by shackles or patent links of the next size larger than the line being used where practical. Double "Molle Hogans" may be used on drop lines only and single "Molle Hogans" may be used on strawline.

(j) Splicing of two lines together for loading line or pass line is prohibited.

(k) Safe margin of line must be used for making long splices. The following table shows comparative safe lengths as to size of cable in making long splices:

Rope Diameter	To Be Unravalled	Total Length
1/4"	8'	16'
3/8"	8'	16'
1/2"	10'	20'
5/8"	13'	26'
3/4"	15'	30'
7/8"	18'	36'
1 "	20'	40'
1-1/8"	23'	46'
1-1/4"	25'	50'
1-3/8"	28'	56'
1-1/2"	30'	60'
1-5/8"	33'	66'
1-3/4"	35'	70'
1-7/8"	38'	76'
2 "	40'	80'

**(9) Miscellaneous Requirements.**

(a) All lines, straps, blocks, shackles, swivels, etc., shall be inspected frequently and shall be used only when found to be in good condition. Such items shall be of sufficient size and strength as to safely withstand the stress which can be imposed by the maximum pull of the power unit against such equipment or devices as rigged or used in that particular logging operation.

(b) When used or second-hand cables are purchased, they shall not be used for any purpose until inspection determines they will withstand the maximum imposed strain.

(c) Skyline shall be anchored by placing three full wraps around tail hold and staples or spikes shall be used to securely hold each wrap or choked and secured with a shackle or three wraps and at least three clamps securely tightened.

(d) When using haulback lines greater than 7/8-inch diameter on interlocking drum-type yarders, additional precautions shall be taken to prevent the corner blocks or tail blocks from dislodging the anchors to which the blocks are secured.

(e) Where "dutchman" is used, either for yarding or on skyline, a block of heavy construction must be used. Regular tree shoe or jack may be used for "dutchman" on skyline. Cable must be fastened securely.

(f) Choker drops shall be connected to the butt rigging by knobs or shackles. The use of molles or cold shuts is prohibited in all components of the butt rigging.

All butt rigging shall be designed to prevent loss of cho-  
 kers and defective swivels shall not be used. Open hooks  
 shall not be used to connect lines to the buttrigging.

(g) When heel tackle is fastened near machine, safety  
 line must be placed in such manner that in case of  
 breakage, lines shall not strike power unit and endanger  
 operator.

(h) Only in case of necessity shall any metallic object  
 be driven into a log. The metal must be removed imme-  
 diately when splice or other work is completed. Stumps  
 shall be used whenever possible for splicing.

PUT CLIPS ON RIGHT



**RIGHT**



**WRONG**



**WRONG**

*Figure No. 2*

Clips should be spaced at least six rope diameters  
 apart to get the maximum holding power and should al-  
 ways be attached with the base or saddle of the clip  
 against the longer or "live" end of the rope. The "U"  
 bolt goes over the dead end. This is the only right way.  
 Do not reverse the clips or stagger them. Otherwise the  
 "U" bolt will cut into the live rope when the load is ap-  
 plied. After the rope has been used and is under tension,  
 the clips should again be tightened to take up any loose-  
 ness caused by the tension reducing the rope diameter.  
 Remember that even when properly applied, a clip fas-  
 tening has only about eighty percent (80%) of the  
 strength of the rope and far less than that when on  
 wrong.

NEW SECTION

WAC 296-54-545 RIGGING—WOOD SPAR TREES. (1) Wood spar trees shall be of sound material of sufficient size and strength to withstand any stresses which may be imposed by any equipment used for that

specific operation. The top of the tree shall extend not more than sixteen feet above the top guylines on spar trees over fifty feet in height. Spar trees less than fifty feet in height shall extend no more than eight feet above the top guylines. School marms used as spar trees shall be topped at the forks. Spar trees, except cedar, must be barked where guylines, straps, bull blocks and tree plates are placed.

(2) Spar trees must be topped and limbs must be cut off close so that running lines will not foul or saw on protruding knots.

(3) At least four tree plates shall be placed under top guylines on spar trees over fifty feet in height and at least three tree plates shall be used on spar trees less than fifty feet in height.

(4) Tree plates shall be equipped with lugs or other suitable means of holding them in place.

(5) When spar trees are raised, stumps used for snubbing shall be properly notched. Guylines shall be held by some mechanical means. Snubbing by hand is prohibited.

(6) All rub trees shall be limbed and topped.

(7) Guylines.

(a) Wood spar trees using a line greater than 7/8-inch and used as loading and yarding trees shall have at least six top guys and four buckle guys, providing a sail guy is used.

(b) Wood spar trees using a mainline greater than 7/8-inch and used only as yarding trees shall have at least six top guys and, at least three buckle guys shall be used.

(c) Wood spar trees used for loading only with crotch line, spreader bar or swinging boom shall have at least four top guys and, at least three buckle guys shall be used.

(d) Wood spar trees used for any skyline system of logging shall have additional guylines as are necessary to assure rigidity of tree at skyline jack, skidding block, re-ceding and transfer line blocks, and loading rigging.

(e) Wood spar trees used for transfer shall have at least five top guys and, at least three buckle guys shall be used.

(f) When high lead block is hung below buckle guys, at least three top guys of equal strength to the mainline shall be used to keep the top from swaying.

(g) When buckle guys are required, they shall be in-  
 stalled on the tree where they will provide the maximum effectiveness.

(8) Loose material such as bark, spikes, straps or chains not in use and slabs caused by bumping logs of chafing straps must be removed from the spar tree. Heavy bark shall be removed from trees used for a per-  
 manent installation.

NEW SECTION

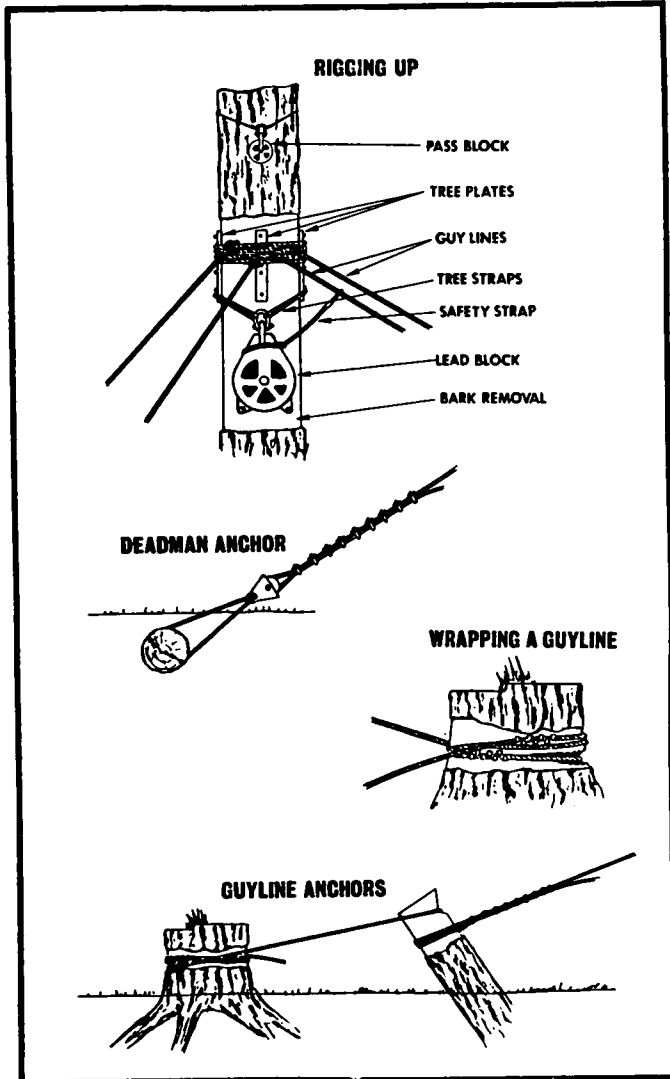
WAC 296-54-547 RIGGING—TAIL TREE. (1) No work shall continue on tail tree while the climber is working on the head tree or vice versa, if trees are connected by any line.

(2) Tail trees shall be adequately guyed to withstand any stress to which the tree may be subjected. Live (slackline) or standing skylines may be anchored to the



base of standing trees only if no part of the tree will enter the work area (cutting unit) if pulled over. The guyline shall be anchored as low as possible to the base of the tree. If using a live (slackline) standing or running (Grabinski) skyline, the tail tree need not be topped provided the slackline or skyline passes through a jack or block on the tree before being anchored. At least two guylines shall be installed to support the tail tree and may be anchored to the base of standing trees if the above conditions are complied with. Attaching the end of the skyline or slackline to the base of the tail tree is prohibited.

NOTE: See Figure No. 3 for rigging illustrations.



NEW SECTION *Figure No. 3*

**WAC 296-54-549 LINES, STRAPS AND GUYLINE ATTACHMENTS—STEEL SPARS.** (1) When in use, steel tower guyline safety straps shall have a minimum amount of slack.

(2) A safety strap shall be installed on steel towers at the bight of the guylines to prevent the guylines from falling in the case of failure of guyline attachments, guyline lug rings or collar plates, where such exist. Such

devices shall have a breaking strength at least equivalent to that of the guylines.

(3) The use of cable clips or clamps for joining the ends of steel tower guylines safety straps is prohibited.

**NEW SECTION**

**WAC 296-54-551 YARDING, LOADING AND SKIDDING MACHINES—GENERAL REQUIREMENTS.** (1) Yarding, loading and skidding machines shall be operated only by experienced authorized personnel, except that inexperienced personnel may operate machines in accordance with WAC 296-54-515(2).

(2) Overhead protection and other barriers shall be installed to protect the operator from lines, limbs and other moving materials on or over all yarding, loading or skidding machines. Construction shall be so the view of the operator is not impaired. Barriers shall consist of metal screen constructed of 1/4-inch diameter woven wire material with maximum two inch openings or 3/4-inch diameter steel rod with eight inch maximum openings. Such barriers shall be installed no closer than four inches to the glass.

(3) When using a yarder, loader or skidding machine, the location of the machine or position of the yarder shall be such that the operator will not be endangered by incoming logs or debris.

(4) Logging machines and their components shall be securely anchored to their bases.

(5) A safe and adequate means of access and egress to all parts of logging machinery where persons must go shall be provided and maintained in a safe condition.

(6) Any logging equipment having a single cab entrance door, shall be equipped with an alternate means of escape from the cab should the door be blocked in the event of vehicle rollover or fire. Door latches shall be operable from both sides.

(7) Logging machines shall be kept free of flammable waste materials and any materials which might contribute to slipping, tripping or falling.

(8) Logging machine engines shall be stopped during inspection or repairing, except where operation is required for adjustment.

(9) Grab rails shall be provided and maintained in good repair on all walkways of stationary units elevated more than four feet. Walkway surfaces on such units shall be of the slip-proof type.

(10) Standard safeguards shall be provided at every place on a machine where persons may be exposed to contact with revolving parts or pinchpoints during normal operations.

(11) To protect workers from exposure to the hazardous pinchpoint area between the rotating superstructure and the nonrotating undercarriage of any logging machine, signs shall be conspicuously posted on all sides of that type machine warning workers: "DANGER - STAY CLEAR."

(12) Items of personal property, tools or other miscellaneous materials shall not be stored on or near any logging machine if retrieval of such items would expose a worker to the hazardous pinchpoint referred to in subsection (11) of this section.

(13) Workers shall approach the hazardous pinchpoint area referenced in subsection (11) of this section, only after informing the operator of their intent and receiving acknowledgment from the operator that he understands their intention. All such machines shall be stopped while any worker is in the hazardous pinchpoint area.

(14) When the nature of the work requires a person to work within three feet of the swing radius of the rotating superstructure, a physical barrier, similar to a standard guardrail, with warning signs attached, shall be provided between the hazard and the person. This requirement shall not apply when:

(a) The distance from the highest point of the undercarriage to the lowest point of the rotating superstructure is greater than 18-inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage;

(b) The distance from the ground to the lowest point of the rotating superstructure is greater than five feet six inches. This applies only to that portion of the rotating superstructure that swings directly over the undercarriage; or

(c) On crawler-type track-mounted logging machines only, the rotating superstructure is positioned at a right angle to the tracks, and the distance from the side of the cab to the extreme end of the track is four feet or less. This exemption shall apply to side barricades only; barricades between the tracks at both ends of any crawler-type logging machine are required regardless of the right angle dimension.

(15) An unimpaird clearance of not less than three feet shall be maintained between the rotating superstructure of any logging machine and any adjacent object or surface. If this clearance cannot be maintained, a physical barrier similar to a standard guardrail, with warning signs attached, shall be provided to isolate the hazardous area. When it is necessary for the logging machine to move constantly to fulfill its purpose, such as a loading machine moving back and forth to sort logs for loading or loading out right of way logs, brightly colored cones may be used in lieu of barricades provided no employee is permitted to work or pass within the perimeter of the cones. The cones shall be at least twenty-four inches in height.

(16) Logging machines shall not be operated until all guards have been installed, safety devices activated and maintenance equipment removed.

(17) Stationary logging machines shall be securely anchored to prevent movement of the machine while yarding or skidding.

(18) Ends of drum lines shall be securely fastened to the drum and at least three wraps shall be maintained on the drum at all times. (This rule does not apply to tractor winch lines.)

(19) Such units shall not be tied to any part of the towing unit, when they are being moved on truck and trailer units.

(20) Logs shall not be moved, swung or held over any persons.

(21) Brow logs in the loading or unloading area shall be blocked or secured to prevent movement. Log decks

shall be maintained in a safe condition and shall not present a hazard of logs rolling or sliding on workers.

(22) Brakes shall be set and brake locking devices engaged on logging machines when the operator leaves his normal operating position.

(23) Guyline drum controls and outrigger controls shall be separated, color coded or marked in a manner that will prevent engaging of the wrong control.

(24) Exhaust pipes shall be located or insulated to protect workers from accidental contact with the pipes or muffler and shall direct exhaust gases away from the operator and other persons.

(25) Glass on logging machines shall be safety glass or equivalent and shall be free of deposits of oil, mud, or defects that could endanger the operator or other persons.

(26) Broken or defective glass shall be removed and replaced.

(27) Where safety glass or equivalent, does not provide adequate operator protection from flying chokers, chunks, saplings, limbs, etc., an additional metal screen and/or barrier shall be provided over the safety glass. The operator's vision shall not be impaired. Barriers shall consist of 1/4-inch diameter woven wire material with maximum two inch openings, 3/4-inch diameter steel rod with eight inch maximum openings in any direction or barriers so designed and constructed to provide equivalent operator protection. Such barriers shall be installed no closer than four inches to the glass to enable keeping the glass clean.

(28) Except for hydraulic drums, brakes shall be installed on all logging machines and maintained in effective working condition. Brake levers shall be provided with a ratchet or other effective means for securely holding drums. Brakes shall be tested prior to putting the machine in operation. If defective, they shall be repaired immediately.

(29) A stable base shall be provided under outriggers or leveling pads and a means shall be provided to hold outriggers in both the retracted and extended position.

(30) Abrasive contact with hydraulic hose, tubing or fittings shall be eliminated before further use and defective hydraulic hoses, lines and fittings shall be replaced.

(31) When moving logging machines, the driver or operator shall have a clear and unobstructed view of the direction of travel. When this is not possible, a signalperson with a clear and unobstructed view of the direction of travel shall be designated and used to direct movement of the machine.

(32) Where a signalperson is used, the equipment operator shall move the equipment only on signal from the designated signalperson and only when the signal is distinct and clearly understood.

(33) When moving power units, persons other than the operator and the person in charge shall not be permitted to ride thereon.

(34) All obstructions which may reach the operator while moving machines, shall be removed.

(35) Only shackles with threaded pins shall be used for connecting moving rigging.

(36) Anchors used for moving power units shall be carefully chosen and must be stable.

(37) When snubbing a machine down a steep slope, use the mainline for snubbing and pull with the haul-back whenever possible.

(38) Self-powered mobile logging machines of the type where towers or spars can be raised, shall not travel on steep road grades unless they are securely snubbed or towed.

(39) When moving, all persons working on the landing shall stay in the clear of the machine and shall inform the operator of their intention to approach or be near the machine.

(40) Service brakes shall be provided on crawler crane-type logging machines that will bring the machine to a complete stop from normal travel speeds.

(41) A traction lock or brake or an equivalent locking and braking system shall be provided on crawler crane-type machines that is capable of holding the machine stationary under normal working conditions, and on any grade the machine is capable of negotiating.

(42) No modifications or additions which affect the capacity or safe operation of the equipment shall be made by the employer without written approval of the manufacturer or a qualified engineer. If such modifications or changes are made, the capacity, operation and maintenance instruction plates, tags, or decals, shall be changed accordingly. In no case shall the original safety factor of the equipment be reduced.

(43) Equipment shall be classed and used according to the manufacturer's rating. Where low gear ratios or other devices are installed to increase the line pull in accordance with subsection (42) of this section, the size of the rigging shall be increased accordingly so that it will safely withstand the increased strains.

(44) Every tractor, skidder, front-end loader, scraper, grader and dozer shall be equipped with a roll-over protective structure (R.O.P.S.). Such structures shall be installed, tested and maintained in accordance with:

(a) WAC 296-155-950 through 296-155-965 of the Safety Standards for Construction, if manufactured prior to the effective date of this chapter.

(b) The Society of Automotive Engineers SAE 1040a-1975, "Performance Criteria for Roll-over Protective Structures (ROPS) for Earthmoving, Construction, Logging and Industrial Vehicles," if manufactured after the effective date of this chapter.

(45) The ROPS shall be of sufficient height and width so that it will not impair the movements of the operator or prevent his immediate escape from the vehicle in emergencies and shall allow as much visibility as possible. Clearance above the deck and the ROPS of the vehicle at points of egress shall not be less than fifty-two inches.

(46) Certified Roll-over protective systems shall be identified by a metal tag permanently attached to the ROPS in a position where it may be easily read from the ground. The tag shall be permanently and clearly stamped, etched or embossed indicating the name and address of the certifying manufacturer or registered professional engineer, the ROPS model number (if any) and the vehicle make, model or serial number the ROPS is designed to fit.

(47) Roll-over protective structure systems shall be maintained in a manner that will preserve their original strength. Welding shall be performed by qualified welders only. (A qualified welder is defined under "Welder Qualification" in American Welding Society A.W.S. A3.0-69.)

(48) Every tractor, skidder, front-end loader, log stacker, forklift truck, scraper, grader and dozer shall be equipped with a FOPS. Such structures shall be installed, tested and maintained in accordance with the Society of Automotive Engineers SAE J231-1971, "Minimum Performance Criteria for Falling Object Protective Structures (F.O.P.S.)."

(49) Vehicles equipped with ROPS or FOPS as required in subsections (44) and (48) of this section, shall comply with the Society of Automotive Engineers SAE J397a-1972, "Deflection Limiting Volume for Laboratory Evaluation of Roll-over Protective Structures (ROPS) and Falling Object Protective Structures (FOPS) of Construction and Industrial Vehicles."

(50) The opening in the rear of the ROPS on the crawler or rubber-tired tractors (skidders) shall be covered with 1/4-inch diameter woven wire having not less than 1-1/2-inches or more than 2-inch mesh, or material which will afford equivalent protection for the operator. The covering shall be affixed to the structural members so that ample clearance is provided between the screen and the back of the operator. Structural members shall be free from projections which would tend to puncture or tear flesh or clothing. Suitable safeguards or barricades shall be installed, in addition to the screen, to protect the operator when there is a possibility of being struck by any material that could enter from the rear.

(51) Crawler and rubber-tired tractors (skidders) working in areas where limbs or brush may endanger the operator shall be guarded. Shear or deflector guards shall be installed on each side of the vehicle at an angle leading forward and down from the top front edge of the canopy of the vehicle, which will tend to slide the brush or limbs up and over the top of the canopy. Open mesh material with openings of a size that will reject the entrance of an object larger than 1-3/4-inches in diameter, shall be extended forward as far as possible from the rear corners of the cab sides to give the maximum protection against obstacles, branches, etc. entering the cab area. Deflectors shall also be installed ahead of the operator to deflect whipping saplings and branches. These shall be located so as not to impede ingress or egress from the compartment area. The floor and lower portion of the cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured by obstacles which otherwise could enter the cab compartment.

(52) Enclosures for agricultural and industrial tractors manufactured after September 1, 1972, shall be constructed, designed and installed as detailed in the Society of Automotive Engineers Technical Report J168.

(53) All bidirectional machines, shall be equipped with a horn distinguishable from the surrounding noise level, which shall be operated when the machine is moving in either direction unless an assigned signal-person

directs the movement. The horn shall be maintained in an operating condition.

#### NEW SECTION

**WAC 296-54-553 YARDING, LOADING AND SKIDDING MACHINES—MOBILE TOWERS AND BOOM-TYPE YARDING AND LOADING MACHINES.** (1) Portable (mobile) tower specification plate. A specification plate shall be permanently attached to the base of each portable (mobile) tower so it can be easily read by a person standing on the ground or on the base platform. It shall contain the following information:

(a) Name and address of manufacturer and model number;

(b) The maximum diameter of the mainline or skyline for which the unit is designed and size of haulback and mainline to be used together if drums are interlocking or automatic tensioning type;

(c) The number and size of guylines required to stabilize the unit;

(d) The maximum length and capacity of a loading boom or similar equipment which may be attached if the structure is engineered for such;

(e) If the unit is designed for use on any skyline system of logging; and

(f) Maximum degree of inclination from vertical at which the spar (tower) may be used.

(2) The critical parts of portable spars (towers) shall be inspected by a qualified person at reasonable intervals while in service and each time the spar (tower) is lowered. If indication of failure or weakness is noted or suspected, the part shall be inspected by an approved method and found to be safe, or it shall be repaired or replaced before the operation is allowed to proceed.

(3) Blocks and fair leads shall be so located that there will be no chafing or sawing of any line or part of the structure.

(4)(a) Power guylines used for stabilizing any unit may be choked around an adequately notched stump if using a shackle or approved choker attachment. Three full wraps or more must be placed around an adequately notched stump to secure the guyline if clamps are used. Guyline extensions shall be properly shackled to the guylines.

(b) When using a deadman anchor to support a guyline, the connection shall be made by properly shackling both eyes of the anchor strap to the guyline.

(c) If guylines on metal spars or towers are not power guylines, they shall be secured to stumps or anchorages in the same manner as guylines on wood spar trees.

(5) Power driven devices shall be securely anchored when used to tighten guylines. Holding of such devices manually is prohibited.

(6)(a) Machines or equipment shall be stabilized by their design or the attachment of guylines or other devices which will prevent the machine from overturning. Machine operators shall be advised of the stability limitations of the equipment.

(b) If stabilization of a machine is dependent upon the use of hydraulic outriggers, a pilot operated hydraulic check valve or other locking device shall be installed to

prohibit the outrigger from retracting in case a hydraulic line breaks, except when proper blocking is provided.

(7) A qualified person shall direct each raising or lowering of a portable spar or tower.

(8) All persons not engaged in the actual raising or lowering of portable spars or towers shall stay in the clear during such operations.

(9) Guylines required in rigging spars or towers shall be evenly spooled to prevent fouling.

(10) Portable spars or towers shall be leveled to provide even line spooling and avoid excessive stress on component parts.

(11) The portable spar or tower shall be lowered or supported so the stability of the machine is not impaired during movement of the portable spar or tower.

(12) Guylines of portable spars or towers shall not be anchored to standing trees if the unit is used for yarding as a head tree.

(13) Timbers used for masts or booms shall be straight-grained, solid, and capable of withstanding the working load.

(14) Boom points of timber booms shall be equipped with metal straps, plates, or other devices as needed to properly secure eyebolts and fittings used to support lines, blocks, or other rigging.

(15) All mobile vehicles on which yarding equipment, towers, spars, masts or booms are installed, shall be maintained in a safe operating condition.

(16) A-frames shall be secured against displacement and the tops shall be securely bolted or lashed to prevent displacement.

(17) When any portable-type tower, A-frame or spar is used, the base shall be securely and solidly supported.

(18) All loading, unloading and skidding machines shall be equipped with a horn or whistle which is audible above the surrounding noise level. Such horn or whistle shall be maintained in an operative condition.

#### NEW SECTION

**WAC 296-54-555 YARDING—GENERAL REQUIREMENTS.** (1) Workers shall be alert and be positioned in the clear where they will not be exposed to the hazards of moving logs, saplings, root wads, chunks, rigging, or any other material which might be put in motion by the rigging or turn, before the "go ahead" signal is given. They shall remain in the clear at all times while the rigging is moving.

(2) No person shall be near rigging which is stopped at a hangup, until the rigging has been slacked to reduce the hazard.

(3) No person shall stand or remain within the bight of any running line, nor in a position where he could be struck by a line were it to break or come loose.

(4) Whenever possible, chokers shall be set from the uphill side of a log. Persons shall not be on the lower side of a log which appears to be unstable or likely to roll.

(5) Wire rope used for chokers shall not exceed seventy-five percent of the breaking strength of the mainline.

(6) Chokers shall be placed near the end of the log whenever possible.

(7) When pulling lines, do not stand close to fair leads or blocks.

(8) Lines shall not be guided on drums with hands or feet. The use of a bar or equivalent means is recommended.

(9) Yarding with more than one unit on any one head spar is prohibited.

(10) The angle between the power unit, the high lead block, and the mainline road shall not exceed a square lead on rigged spars. When using portable spars or towers, the location of the machine or position of the operator shall be such that the operator shall not be endangered by incoming logs.

(11) When there is danger of tail block straps slipping up or off the stump or tree, the stump or tree shall be adequately notched or the line properly wrapped and secured. When the tail tree or stump is not secure, it shall be tied back.

(12) When yarding is being done during the hours of darkness, the area shall be provided with illumination which will allow persons to safely perform their duties. The source of illumination shall be located and directed creating a minimum of shadows and glare. If using a portable tail-hold, lights shall be directed on the equipment to allow the person to visually ascertain that the tail-hold equipment remains stabilized.

(13) No person shall be required or allowed to ride on a turn of logs or rigging excepting the passline. The practice of holding on to moving rigging or chokers to assist a person by being pulled uphill shall be prohibited.

(14) Wire rope shall be wound evenly on the drum and not be allowed to lap one layer on another in an irregular manner. Sheaves shall be smooth and free from defects that could cause rope damage.

(15) Chaser shall be sure that turns are safely landed before approaching to remove the chokers.

(16) Signaling machine operator at landings by throwing bark, chips or other material in the air is prohibited. Whistle or hand signals shall be used at all times.

(17) Logs shall not be landed while loaders or chasers are engaged in hooking on. Logs shall not be removed from yarder tree by the loader or tractors while the chaser is unhooking a turn from the yarder.

(18) Landings shall be as level as possible and of sufficient size to safely accommodate the majority of type turns to be yarded. At least two-thirds of the log shall rest on the ground or other substantial material when landed. Logs shall be set on the ground or deck and not dropped when being landed. Long sticks shall be safely removed before additional logs are landed.

(19) Chokers shall not be used on a grapple system when the yarder operator cannot clearly see the persons setting the choker, unless conventional whistle signals are used.

(20) Landings shall be free of root wads, limbs, tops, etc., that constitute a safety hazard.

(21) When shorter logs are yarded in the same turn with long sticks, the shorter logs shall be landed and chokers released before the long stick choker is released.

NOTE: See Figures No. 4-A and 4-B for Standard Hand Signals for High Lead Logging.

**STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING**

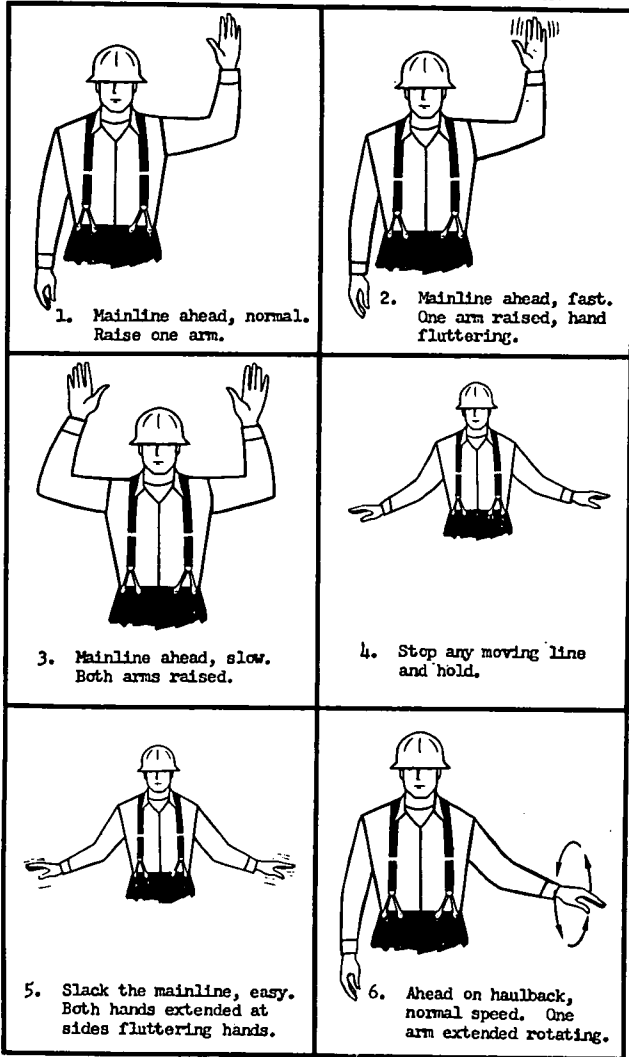


Figure No 4-A

**STANDARD HAND SIGNALS FOR HIGH LEAD LOGGING**

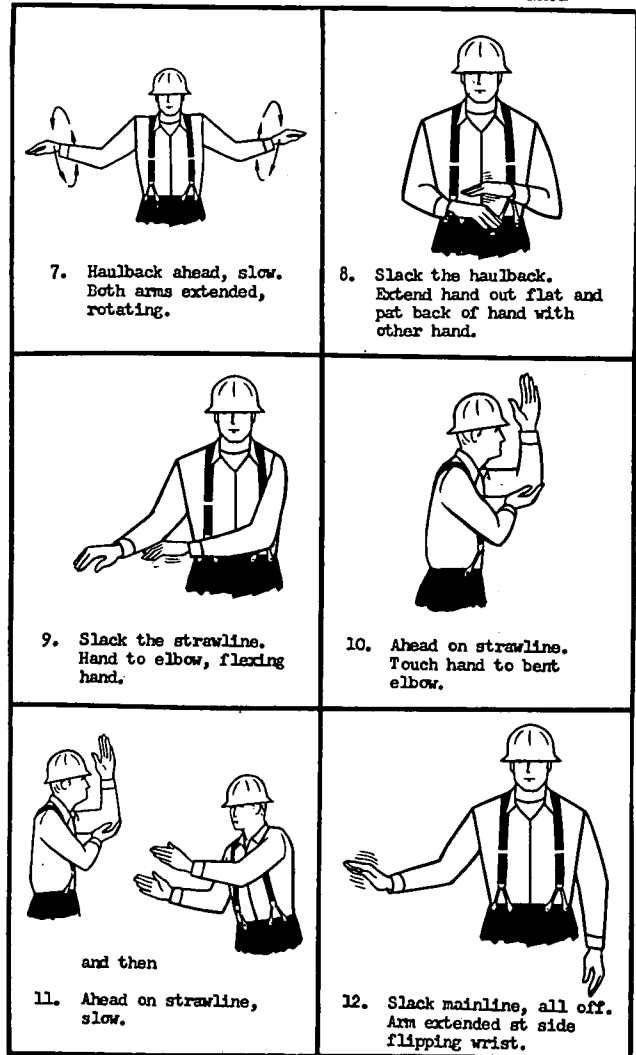


Figure No. 4-B

**NEW SECTION**

**WAC 296-54-557 YARDING—TRACTORS AND SKIDDERS.** (1) Operators shall ensure that all persons are safely in the clear before initiating or continuing the movement of any mobile equipment.

(2) No person shall ride on any mobile equipment, except where adequate and protected seats, or other safe facilities have been provided.

(3) While in use, tractors and skidders shall be maintained in a safe operable condition, with all guards in proper places.

(4) No person shall be under a tractor or other mobile equipment, or be placed in a hazardous position around the equipment without first making certain it cannot move or be moved by another person.

(5) Prior to working on tractor or skidder blades, arches, or other equipment, the equipment must be blocked up lowered to the ground or otherwise secured against slipping or falling. Prior to working on hydraulic equipment, the pressure shall be relieved.

(6) When making repairs to tractor or skidder equipment, such as blades, arches, etc., the engine shall be stopped. The engine may be run when necessary for making adjustments to the engine or equipment.

(7) Operators shall operate and control their machines in a safe manner and avoid operations in areas where machine stability may not be maintained.

(8) The following safe work procedures shall be adhered to:

(a) When hobo logs are picked up with a log turn, the turn shall be dropped to free the hobo.

(b) No line shall be allowed to trail behind the tractor or skidder where it may hang up and snap forward.

(c) Winching at a severe angle, which could cause a hang-up to upset the machine, shall be avoided.

(d) Grapple skidded log turns shall be evenly bunched with squared butt ends, securely grappled and safely positioned before travel commences.

(e) Before climbing or descending grades, the proper gear shall be selected to allow the engine to govern the tractor speed.

(f) On side hills, an abrupt turn uphill shall be avoided. The tractor or skidder shall be backed downhill first then turned uphill. The turn may be slacked off as necessary to permit this maneuver.

(g) The operator shall, before leaving a tractor or skidder, lower the blade to the ground and apply the parking brake.

(h) Tractor or skidder speed shall be adjusted to the circumstances prevailing. Excessive or uncontrolled speed shall be avoided.

(i) Winch lines on logging tractors or skidders shall be attached to the drum with a break-away device.

(9) When hand signals are required for giving instructions to the tractor or skidder operator, the signals as illustrated in Figure No. 5 shall be used.

(10) Tractor and skidder brakes shall stop and hold the machine on any grade over which the machine is being operated. They shall be effective whether or not the engine is running and regardless of the direction of travel.

(11) Tractors and skidders shall be provided with a brake locking device that will hold the machine indefinitely on any grade on which it is being operated.

(12) Operating a tractor or skidder with defective steering or braking devices is prohibited.

(13) Arches shall be equipped with line guards.

(14) Where tractor and skidder operators or helpers, because of the nature or their work duties, are required to wear calk soled footwear, the decks and operating foot controls shall be covered with a suitable nonslip material.

(15) Glass used in windshields or inn cabs shall be of "safety glass." Broken or cracked glass shall be replaced as soon as practical. Barriers shall be provided, as needed, to protect the glass from being broken by using screen, bars or other material. The protective material shall be a type that will not create a hazard by undue impairment of the operators' vision.

(16) Barriers shall be constructed of at least 1/4-inch diameter woven wire with two inch maximum openings or other material providing equivalent protection. The barrier shall be installed at least four inches from the glass to provide space to clean the glass.

(17) Enclosed-type cabs installed on mobile equipment shall have two means of exit. One may be deemed as an emergency exit and be available for use at all times, regardless of the position of the side arms or other movable parts of the machine. (An easily removable window will be acceptable as the emergency exit if it is of adequate size for a person to readily exit through.)

(18) Seat belts shall be installed on tractors and other mobile equipment equipped with a roll-over protective system and shall be worn by the operator and passenger(s) at all times the vehicle is in motion. The seat belts and assemblies shall be designed, constructed and maintained to conform to the requirements specified in the Society of Automotive Engineers Technical Report J386 or J333a. Seat belts need not be provided for equipment which is designed for stand-up operations.

(19) If the equipment operator and person in charge of the jobsite agree that life safety of the operator is

jeopardized by wearing a seat belt, the seat belt need not be worn.

(20) Seat belts required by subsection (18) of this section, shall have buckles of the quick release type, designed to minimize the possibility of accidental release.

(21) Before a tractor or skidder is started or moved, the operator shall be certain nothing is in the way that could be set in motion by the movement of the machine thereby endangering persons.

(22) A log or turn shall not be moved until all persons are in the clear (behind the turn and on the uphill side on sloping ground).

(23) Before the engine is shut-down, the brake locks shall be applied and all elements such as blades, buckets, grapples and shears shall be lowered to the ground.

(24) Tractors or skidders shall not be operated within a radius of two tree heights of trees being felled unless called upon by the cutter or faller to ground lodged trees. All cutters shall be notified of the tractor or skidder entrance into the area and all felling within two tree lengths of the tractor or skidder shall be stopped.

(25) Except where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

(a) For lines rated 50 kV or below, minimum clearance between the lines and any part of the equipment or machine shall be ten feet;

(b) For lines rated over 50 kV, minimum clearance between the lines and any part of the equipment or machine shall be ten feet plus 0.4 inch for each 1 kV over 50 kV, or twice the length of the line insulator, but never less than ten feet;

(c) In transit with no load and boom or extended equipment lowered, the equipment clearance shall be a minimum of four feet for voltages less than 50 kV, and ten feet for voltages over 50 kV up to and including 345 kV, and sixteen feet for voltages up to and including 750 kV;

(d) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means;

(e) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate it is not an energized line and it has been visibly grounded.

(26) Log piles and decks shall be located and constructed to provide working areas around them that will accommodate the safe movement of personnel and machinery.

(27) Braking systems required by subsection (10) of this section, shall be capable of stopping the equipment fully loaded as specified in the Society of Automotive Engineers Technical Reports listed in subdivisions (a), (b), (c) or (d) of this subsection and shall be installed by June 30, 1973. All rubber-tired tractors or other types of mobile equipment listed below, manufactured after



the effective date of these standards, shall have braking systems and requirements specified in the applicable Technical Reports of the Society of Automotive Engineers as follows:

(a) Brake systems for off-highway, rubber-tired, self-propelled scrapers shall meet or exceed the requirements outlined in SAE Technical Report J319b.

(b) Brake systems for off-highway, rubber-tired, front-end loaders, log stackers and dozers (skidders) shall meet or exceed the requirements outlined in SAE Technical Report J237.

(c) Brake systems for rubber-tired, self-propelled graders shall meet or exceed the requirements outlined in SAE Technical Report J236.

(d) Brake systems for off-highway trucks and wagons shall meet or exceed the requirements outlined in SAE Technical Report J166.

**STANDARD SIGNALS FOR TRACTOR LOGGING**

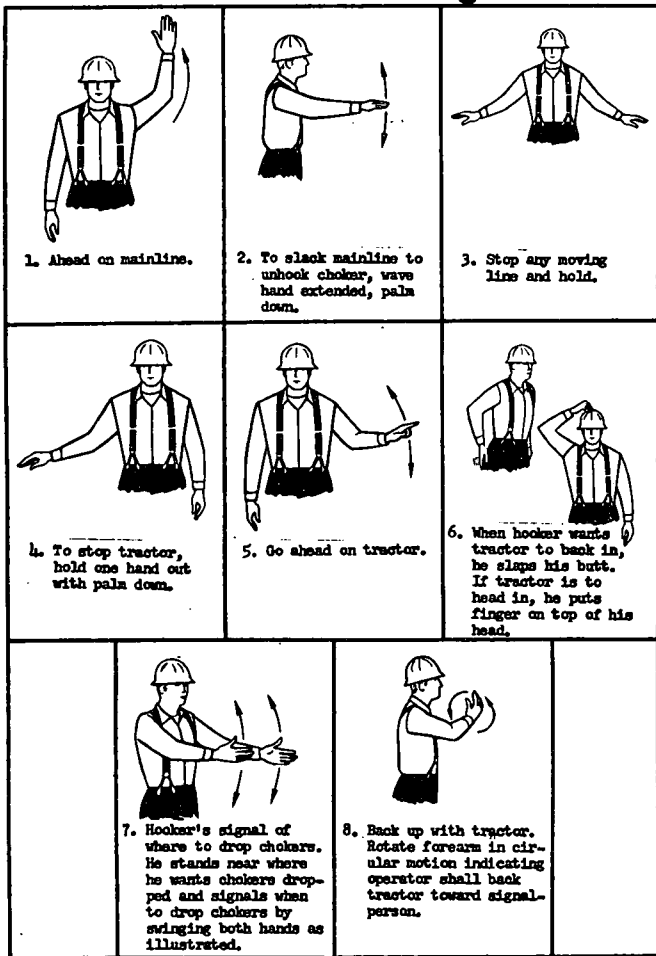


Figure No. 5

**NEW SECTION**

**WAC 296-54-559 YARDING—HELICOPTERS AND HELICOPTER CRANES.** (1) Helicopters and helicopter cranes shall comply with any applicable regulations of the Federal Aviation Administration.

(2) Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the plan of operation for the pilot and ground personnel.

(3) A take-off path from the log pickup point shall be established, and shall be made known to all workers in that area before the first turn of logs is moved.

(4) The helicopter flight path to and from the drop zone shall be designated and no equipment or personnel (other than flight personnel necessary to assist landing and take-off) will occupy these areas during helicopter arrival or departure.

(5) The approach to the landing shall be clear and long enough to prevent tree tops from being pulled into the landing.

(6) The helicopter shall not pass over an area in which cutters are working at a height which would cause the rotor wash to inhibit a cutter's ability to safely control a tree or dislodge limbs.

(7) Drop zones shall be twice the nominal length of logs to be landed.

(8) The drop zone shall be no less than one hundred twenty-five feet from the loading or decking area.

(9) Separate areas shall be designated for landing logs and fueling the helicopter(s).

(10) The yarding helicopter shall be equipped with a siren to warn workers of any hazardous situation.

(11) Workers shall remain in the clear as chokers are being delivered, and under no circumstances will workers move under the helicopter that is delivering the chokers or take hold of the chokers before they have been released by the helicopter.

(12) Log pickup shall be arranged in a manner that the hook up crew will not work on slopes below felled and bucked timber.

(13) If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs.

(14) Landing crew shall be in the clear before logs are dropped.

(15) One end of all the logs in the turn shall be touching the ground and lowered to an angle of not more than 45° from the horizontal before the chokers are released.

(16) Logs shall be laid on the ground and the helicopter will be completely free of the choker(s) before workers approach the logs.

(17) If the load will not release from the hook, the load and the hook shall be on the ground before workers approach to release the hook manually.

(18) Loads shall be properly slung. Tag lines shall be of a length that will not permit their being drawn up into rotors. Pressed sleeve, swaged eyes, or equivalent means shall be used for all freely suspended loads to prevent hand splices from spinning open or cable clamps from loosening.

(19) All electrically operated cargo hooks shall have the electrical activating device so designed and installed as to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. The hooks shall be tested prior to each day's operation to determine that the release functions properly, both electrically and mechanically.

(20)(a) Personal protective equipment for employees receiving the load shall consist of complete eye protection and hard hats secured by chinstraps, and high visibility vests or outer garments.

(b) Loose-fitting clothing likely to flap in the downwash, and thus be snagged on hoist line, shall not be worn.

(21) Every practical precaution shall be taken to provide for the protection of employees from flying objects in the rotor downwash. All loose gear within one hundred feet of the place of lifting of the load, depositing the load, and all other areas susceptible to rotor downwash shall be secured or removed.

(22) Good housekeeping shall be maintained in all helicopter loading and unloading areas.

(23) The helicopter operator shall be responsible for size, weight, and manner in which loads are connected to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made.

(24) Employees shall not perform work under hovering craft except for that limited period of time necessary to guide, secure, hook and unhook loads. Regardless of whether the hooking or unhooking of a load takes place on the ground or other location in an elevated work position in structural members, a safe means of access and egress, to include an unprogrammed emergency escape route or routes, shall be provided for the employees hooking or unhooking loads.

(25) Static charge on the suspended load shall be dissipated with a grounding device before ground personnel touch the suspended load, or protective rubber gloves shall be worn by all ground personnel touching the suspended load.

(26) The weight of an external load shall not exceed the manufacturer's rating.

(27) Hoist wires or other gear, except for pulling lines or conductors that are allowed to "pay out" from a container or roll off a reel, shall not be attached to any fixed ground structure, or allowed to foul on any fixed structure.

(28) When visibility is reduced by dust or other conditions, ground personnel shall exercise special caution to keep clear of main and stabilizing rotors. Precautions shall also be taken by the employer to eliminate as far as practical reduced visibility.

(29) Signal systems between aircrew and ground personnel shall be understood and checked in advance of hoisting the load. This applies to either radio or hand signal systems. Hand signals shall be as shown in Figure 6.

(30) No unauthorized person shall be allowed to approach within fifty feet of the helicopter when the rotor blades are turning.

(31) Whenever approaching or leaving a helicopter with blades rotating, all employees shall remain in full view of the pilot and keep in a crouched position. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to work there.

(32) Sufficient ground personnel shall be provided, when required, for safe helicopter loading and unloading operations.

(33) There shall be constant reliable communication between the pilot, and a designated employee of the ground crew who acts as a signalperson during the period of loading and unloading. This signalperson shall be distinctly recognizable from other ground personnel.

(34) Open fires shall not be permitted in an area that could result in such fires being spread by the rotor downwash.

(35) Under no circumstances shall the refueling of any type helicopter with either aviation gasoline or Jet B (Turbine) type fuel be permitted while the engines are running.

(36) Helicopters using Jet A (Turbine-Kerosene) type fuel may be refueled with engines running provided the following criteria is met:

(a) No unauthorized persons shall be allowed within fifty feet of the refueling operation or fueling equipment.

(b) A minimum of one thirty-pound fire extinguisher, or a combination of same, good for Class A, B and C fires, shall be provided within one hundred feet on the upwind side of the refueling operation.

(c) All fueling personnel shall be thoroughly trained in the refueling operation and in the use of the available fire extinguishing equipment they may be expected to utilize.

(d) There shall be no smoking, open flames, exposed flame heaters, flare pots or open flame lights within fifty feet of the refueling area or fueling equipment. All entrances to the refueling area shall be posted with "NO SMOKING" signs.

(e) Due to the numerous causes of static electricity, it shall be considered present at all times. Prior to starting refueling operations, the fueling equipment and the helicopter shall be grounded and the fueling nozzle shall be electrically bonded to the helicopter. The use of conductive hose shall not be accepted to accomplish this bonding. All grounding and bonding connections shall be electrically and mechanically firm, to clean unpainted metal parts.

(f) To control spills, fuel shall be pumped either by hand or power. Pouring or gravity flow shall not be permitted. Selfclosing nozzles or deadman controls shall be used and shall not be blocked open. Nozzles shall not be dragged along the ground.

(g) In case of a spill, the fueling operation shall be immediately stopped until such time as the person-in-charge determines that it is safe to resume the refueling operation.

(h) When ambient temperatures have been in the 100 degree F. range for an extended period of time, all refueling of helicopters with the engines running shall be suspended until such time as conditions become suitable to resume refueling with the engines running.

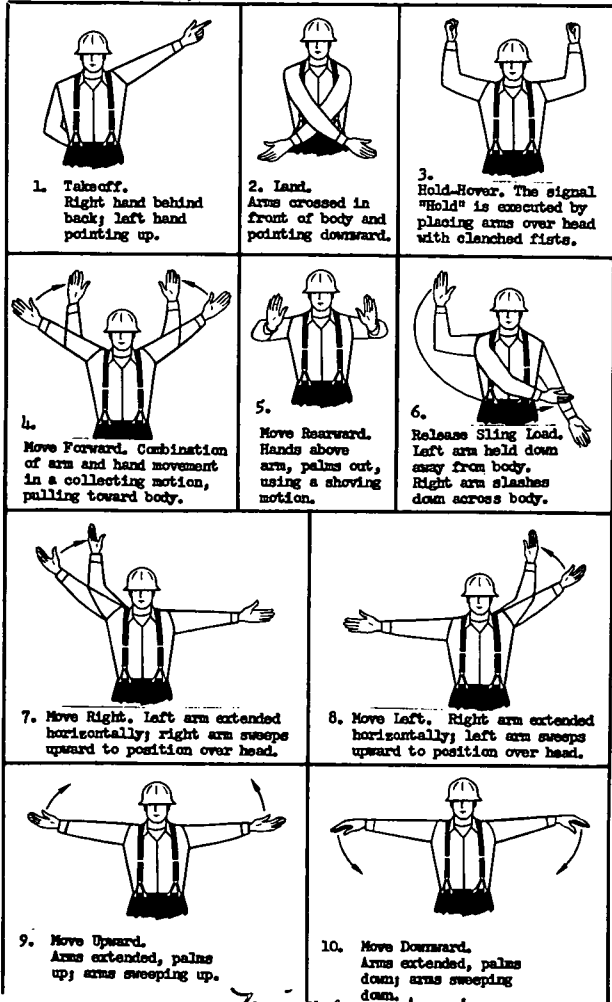
(37) Helicopters with their engines stopped being refueled with aviation gasoline or Jet B (Turbine) type fuel, shall also comply with subsection (36) (a) through (g) of this section.

(38) Hook on persons in logging operations shall wear contrasting colored hard hats, with chinstraps, and high

visibility vests or outer garments to enable the helicopter operator to readily identify their location.

(39) Riding the load or hook of a helicopter is prohibited except in the case of an emergency with the proper safety gear.

HELICOPTER HAND SIGNALS



NEW SECTION

Figure No. 4

WAC 296-54-561 LOG LOADING—GENERAL REQUIREMENTS. (1) Loading operators shall have a clear view of the landing and of the cars or trucks being loaded.

(2) Persons shall not ride logs, tongs, grapples or other loading devices.

(3) The use of plain spiked loading hooks without a bell is prohibited for loading logs.

(4) All limbs or knots that would project beyond the stakes or legal height shall be removed before the log is loaded on the car or truck.

(5) When the loading operator is not able to see the loading operation, signals shall be given by a designated person, who shall have a clear view of the operations and shall be visible to the operator. Hand signals used shall be as illustrated in Figure No. 7, following WAC 296-54-565.

(6) Logs shall not be swung or suspended over occupied equipment by loading machines on landings. Persons shall not stand or walk under suspended logs.

(7) No one shall ride loads while cars or trucks are being spotted or dropped, except those whose regular duties require them to do so.

(8) Cars and trucks shall not be moved until the head loader or loading machine operator is positive that all persons are in the clear.

(9) When grapples, trip tongs or similar devices are used in the loading operation, they shall be lowered to the ground whenever the machine is unattended. If the device can tip or fall over, it shall be laid on its side on the ground.

(10) While logs are being loaded, no one shall remain on the load, chain deck or behind the cab protector. Any unattached material shall be removed from the top of the cab protector before the truck is moved from the landing.

(11) To control the movement of a log truck being loaded, a positive audible means of communication shall be established between the truck driver and the loading machine operator. The established means of communication shall be familiar to all employees on the landing and shall include a danger signal to warn employees in case of an emergency. If a movable loader is being used, the loader operator shall sound a warning signal before moving the loader. The signals so used shall be easily distinguishable from other whistle or horn signals used in the landing area.

(12) When signals are used at a landing, reload or deck to control the movement of logging trucks in accordance with subsection (11) of this section, the following signals shall be used:

- 1 short ..... Stop
- 1 short ..... Ahead
- 2 shorts ..... Back
- 2 shorts then 2 shorts ... Wrapper
- 3 shorts ..... Check Scales
- 1 long-repeated ..... Danger
- 1 long ..... Loader Moving

(13) No person shall be permitted alongside or underneath trucks being loaded or on the load until communication has been established with the loading machine operator and truck driver and assurance has been received that it is safe to be there.

(14) Power saws shall not be operated on top of loaded logging trucks.

(15) Standing underneath a suspended trailer or its reach is prohibited.

(16) The outside bunklogs (bottom tier) shall be loaded tight against the stakes.

(17) Logs shall be loaded in a manner to prevent undue strain on wrappers, binders, bunk stakes and chains or straps.

NOTE: Logs shall be considered to be "within the stakes" when one-half the log diameter is below the top of the stakes.

(18) Logs in any tier or layer unsecured by stakes or chalk blocks shall be well saddled and have their diameter centers inside the diameter centers of the outer logs of the next lower tier or layer.

(19) Bunk and wing logs shall extend not less than twelve inches beyond the front and rear bunks or stakes. On rigid type bunks, they shall extend not less than six inches beyond the front and rear bunks or stakes.

(20) Double ended logs, above the stakes, shall not be loaded on the side of the load from which the binders or wrappers are intended to be released from.

(21) Logs shall be loaded in a manner that will not impair full and free movement of the truck and trailer.

(22) Each log not contained within the stakes shall be secured with at least two wrappers before the truck leaves the immediate landing area.

(23) Loads or logs shall not be moved or shifted while wrappers and binders are being applied or adjusted.

(24) Stable loads. Loads shall be built up or loaded in a manner to be stable without the use of wrappers. Wrappers shall be considered only as precautionary measures to ensure stability of the load.

(25) Loading equipment maintained. All loading machines and equipment shall be maintained in a safe condition. The critical parts of such equipment, such as bolts in base plates, etc., that cannot be inspected while in operation, shall be inspected at reasonable intervals by a qualified person when the machine is shutdown. If indications of failure or weakness is noted or suspected, the parts in question shall be examined by an approved method and if found to be defective, shall be repaired or replaced before the equipment is put back into operation.

(26) Tongs pulling out. Where there is a danger of tongs or hooks pulling out of the log, straps shall be used. Tongs may be used on extra-large logs provided the logs are barked and notched to provide a secure hold.

**NEW SECTION**

**WAC 296-54-563 LOG LOADING—SPECIAL REQUIREMENTS.** (1)(a) Loading machines shall be equipped with an effective parking braking system which is not dependent on the air or hydraulic pressure which is used to stop the machine while traveling.

(b) A braking system shall be installed on the load line and boom supporting equipment which shall be capable of stopping and holding, in any position, the maximum load for which the loading machine is designed. The equipment shall be of such design as to lower the boom with power. Booms not having power down shall be dogged before workers enter the hazardous area around the boom. Workers shall not be under any boom while it is being held by the brake.

(2) A minimum distance of thirty-six-inch clearances shall be maintained between the counterweight of a loading machine and trees, logs, banks, trucks, etc., while the machine is in operation. If this clearance cannot be maintained, suitable barricades with warning signs attached, similar to a standard guardrail, shall be installed to isolate the hazardous area. "DANGER - 36-Inch Clearance" shall be marked in contrasting colors on sides and face of counterweight on shovels, loaders and other swing-type logging equipment.

(3) Persons shall not work under a slack puller. A warning line, of sufficient length to reach the ground at all positions, shall be hung from any slack puller.

(4) Where a backstop of a loading machine is so constructed that it could crush the operator's cab should the heel boom be pulled or pushed too far backward, positive boom stops shall be installed.

(5) All mobile fork-lift type log handling machines shall be equipped with a means or mechanism to prevent the logs from leaving or rolling off the forks, and shall be used at all times while moving logs.

**NEW SECTION**

**WAC 296-54-565 LOG LOADING—SELF-LOADING LOG TRUCKS.** (1) A safe means of access and egress shall be provided to the operator's loading work station.

(2) Self-loading log truck operators shall not unload their own load unless a positive means of securing the logs has been provided when binders and wrappers are removed.

(3) New self-loading log trucks purchased and put in operation after January 1, 1980, shall be equipped with:

- (a) A check valve installed on the jib boom; and
- (b) A seat that is offset from the point of attachment of the boom. The seat and boom structure shall rotate concurrently.

(4) The operator of a self-loading log truck shall not heel the log over his head.

**STANDARD SIGNALS for LOADING LOGS**



Figure No. 7

NEW SECTION

WAC 296-54-567 MOTOR TRUCK LOG TRANSPORTATION—GENERAL REQUIREMENTS. (1) Prior to use, the operator shall make a complete daily inspection of the truck and trailer with particular attention to steering apparatus, lights and reflectors, brake boosters, brake hoses and connections, reaches, and hitches (couplings). The brakes shall be tested before and after movement of the vehicle. The

operator shall submit a written list of necessary repairs to a person designated by the employer.

NOTE: See Figures No. 8-A through 8-P, for Illustrations of Various Types of Cable Logging Systems.

See Figures No. 8-Q through 8-U, for Illustrations of Whistle Signals used on Various Cable Logging Systems.

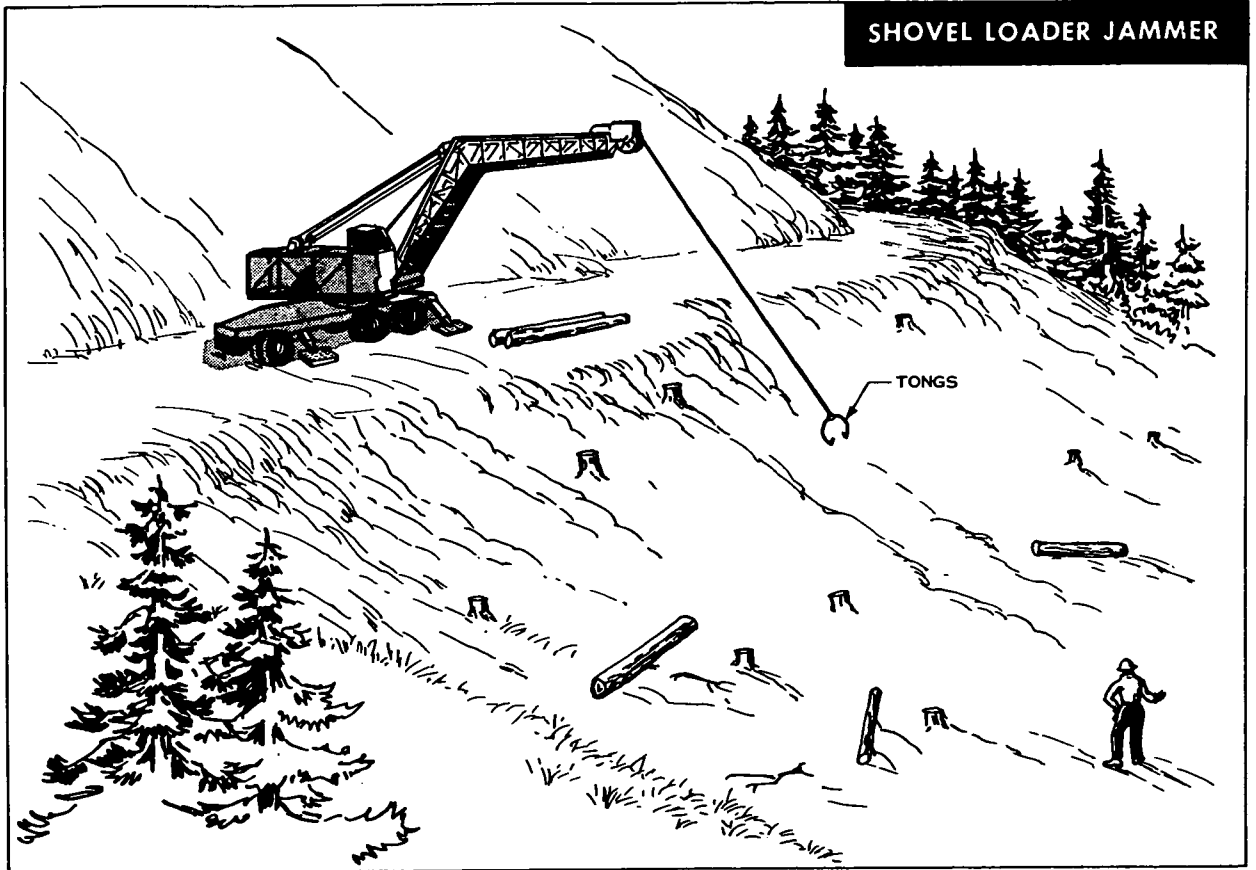


FIGURE 8-A

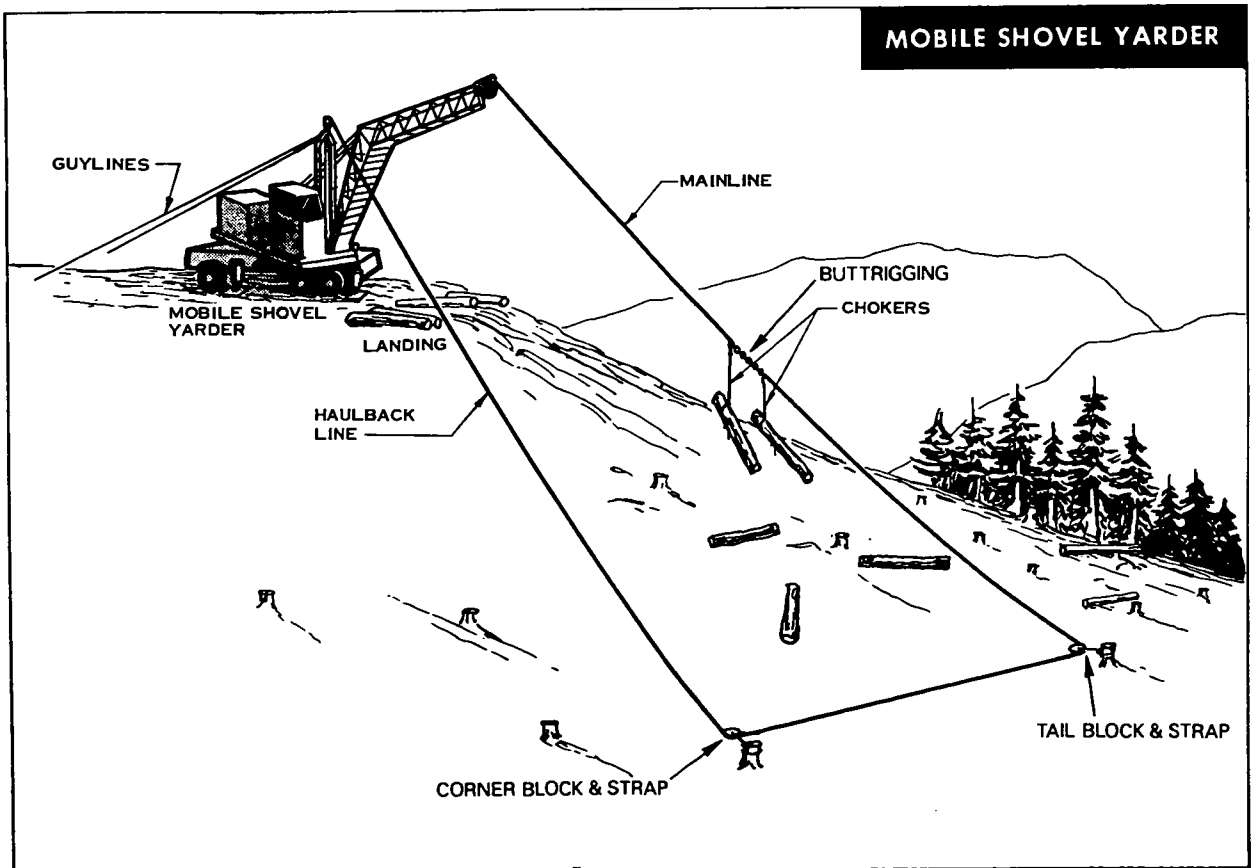


Figure 8-B  
[ 178 ]

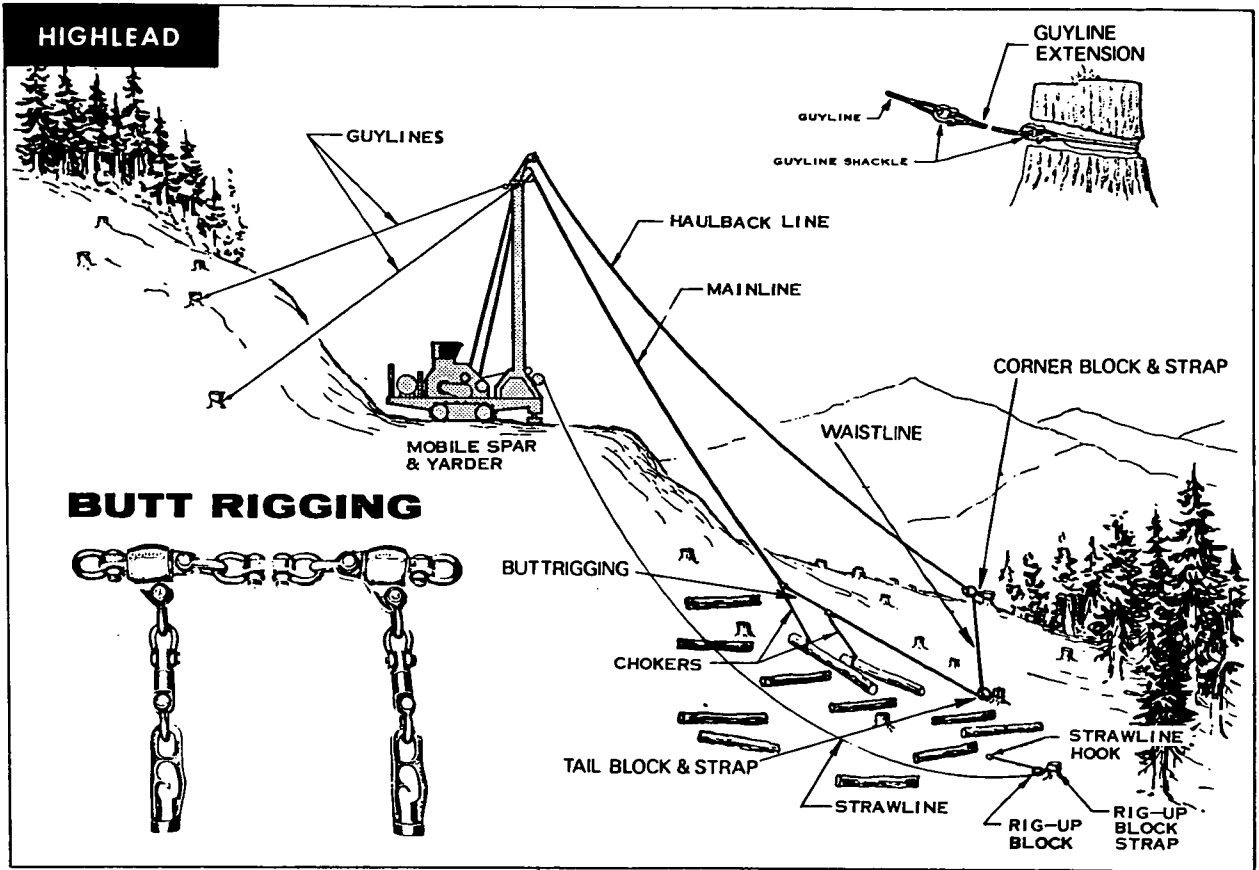


Figure 8-C

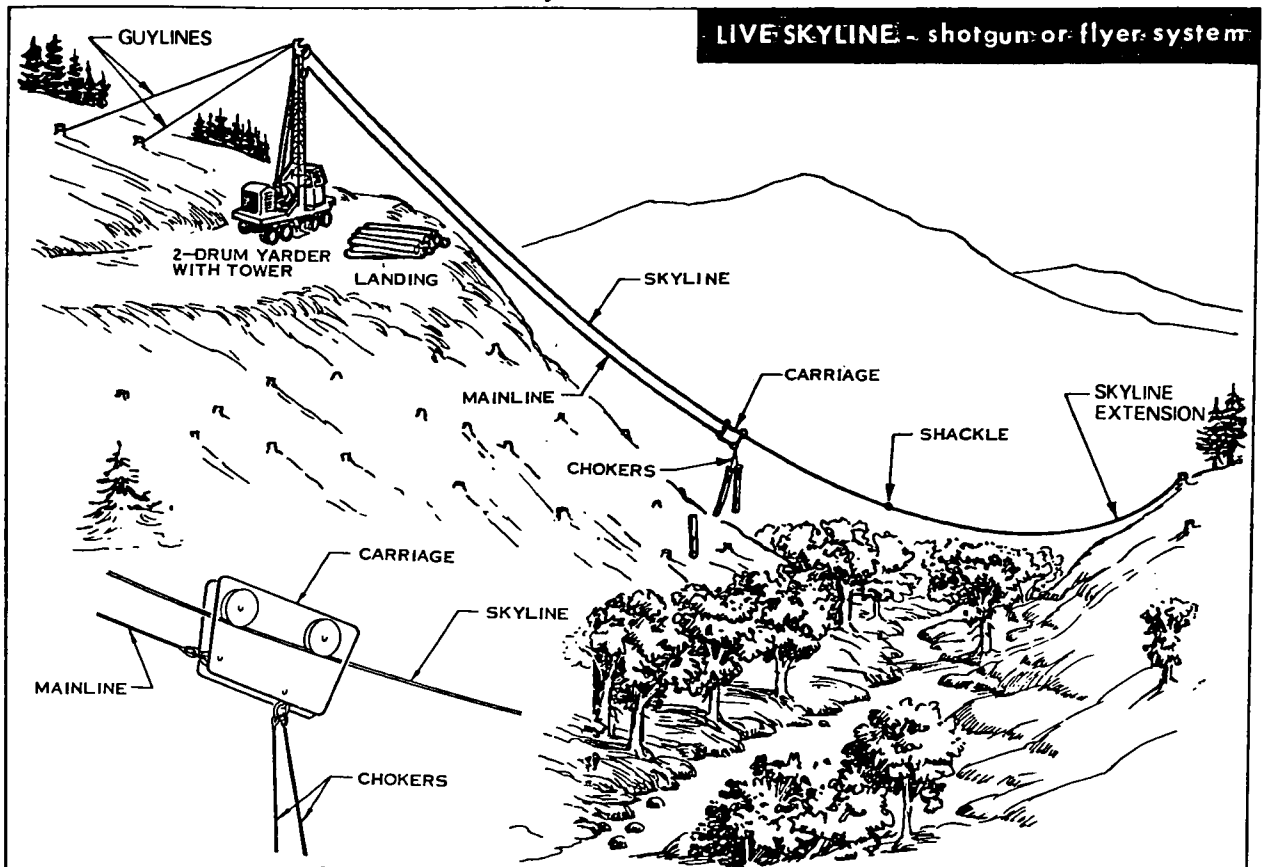


Figure 8-D  
[179]



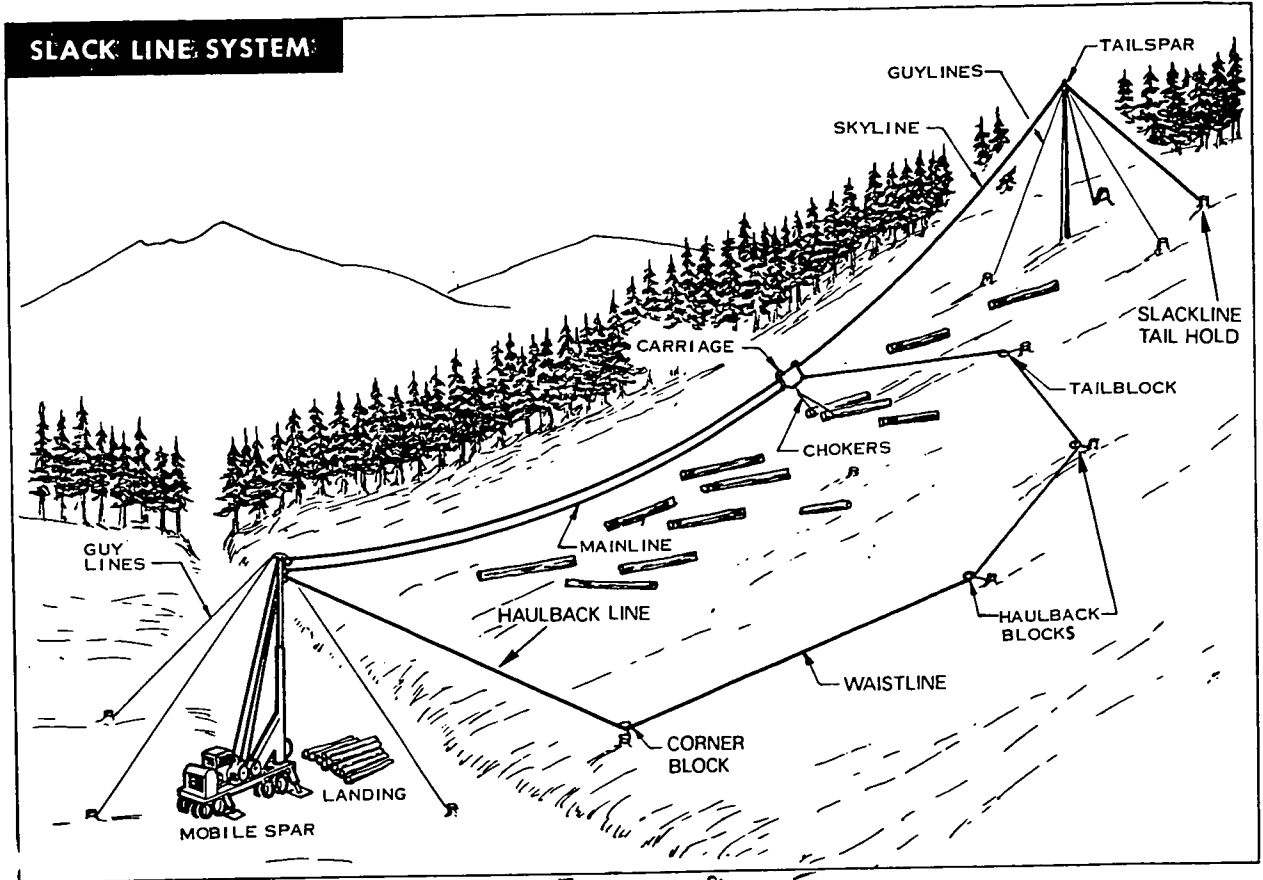


Figure 8 - E

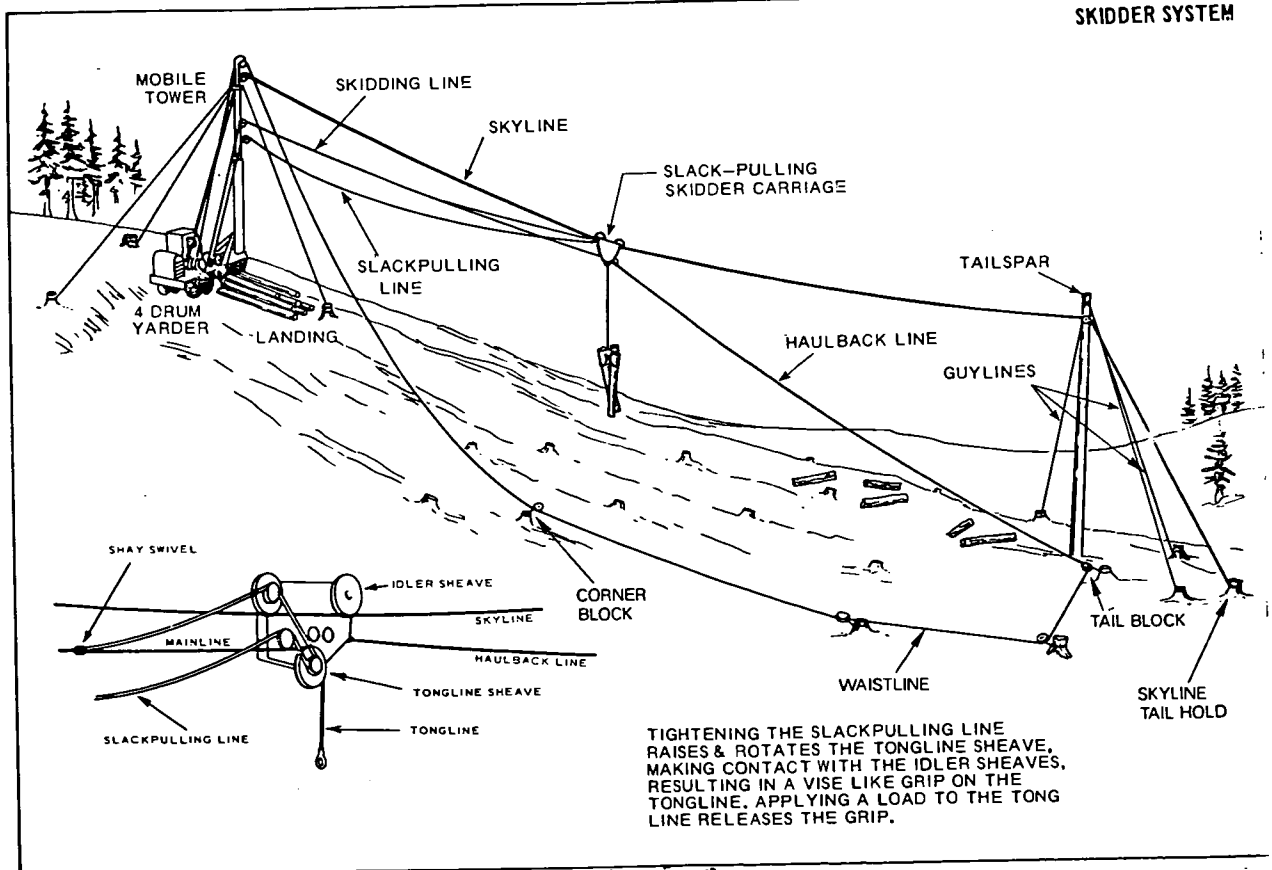
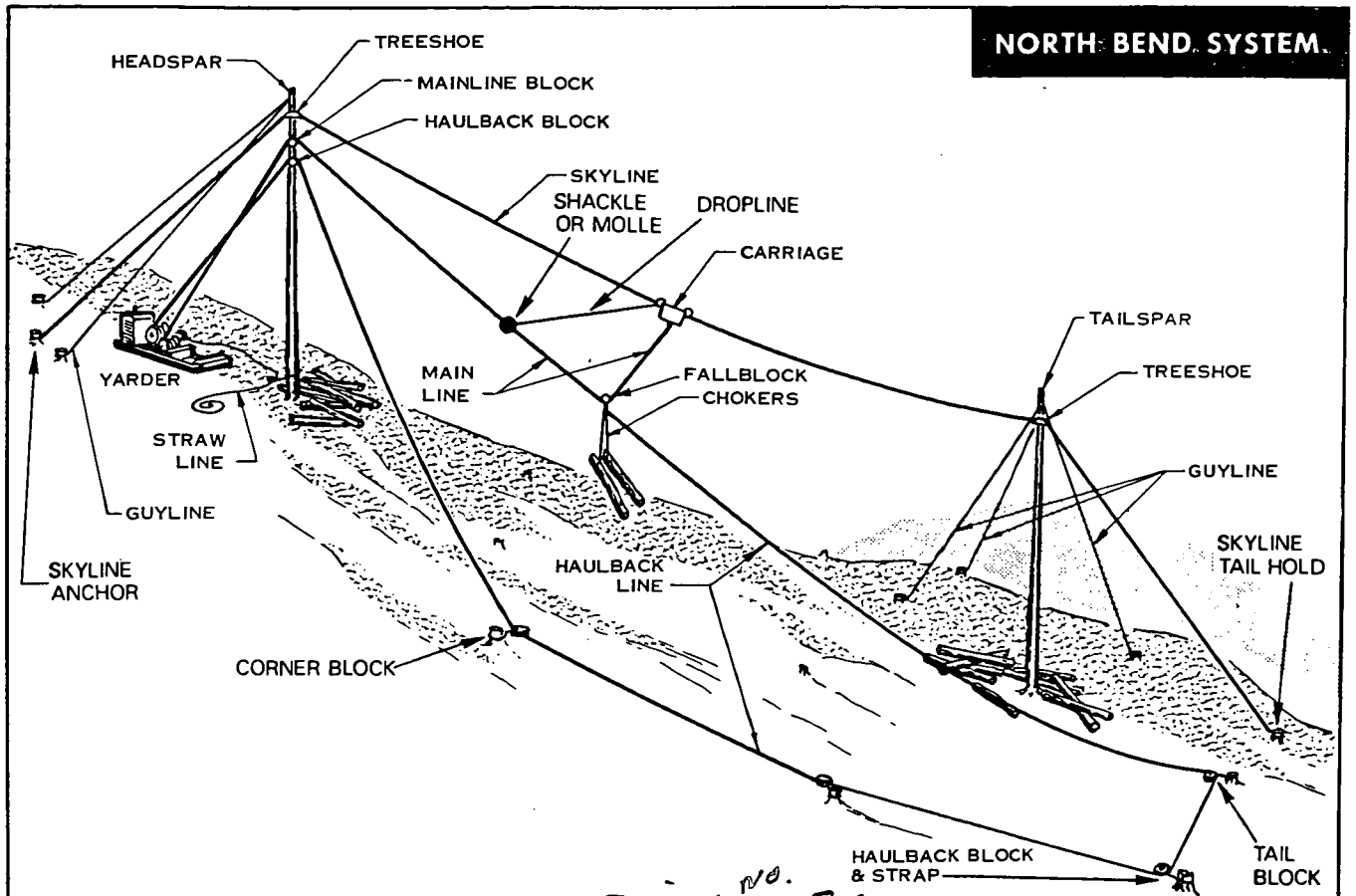
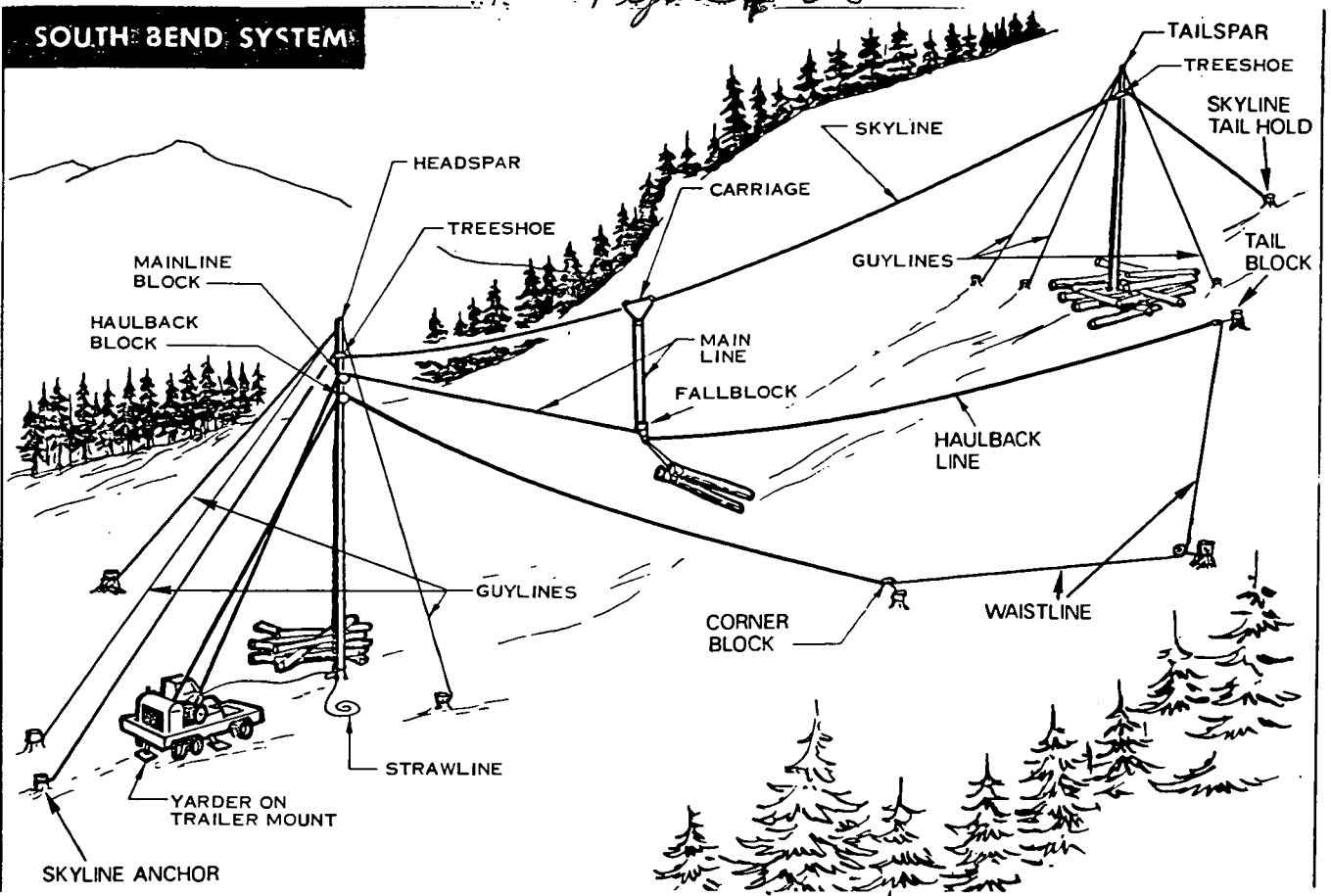


Figure 8 - F



**NORTH BEND SYSTEM.**

Figure No. 8-G



**SOUTH BEND SYSTEM.**

Figure No 8-H

**STANDING SKYLINE -- RADIO CONTROLLED CARRIAGE**

**mobile tower**

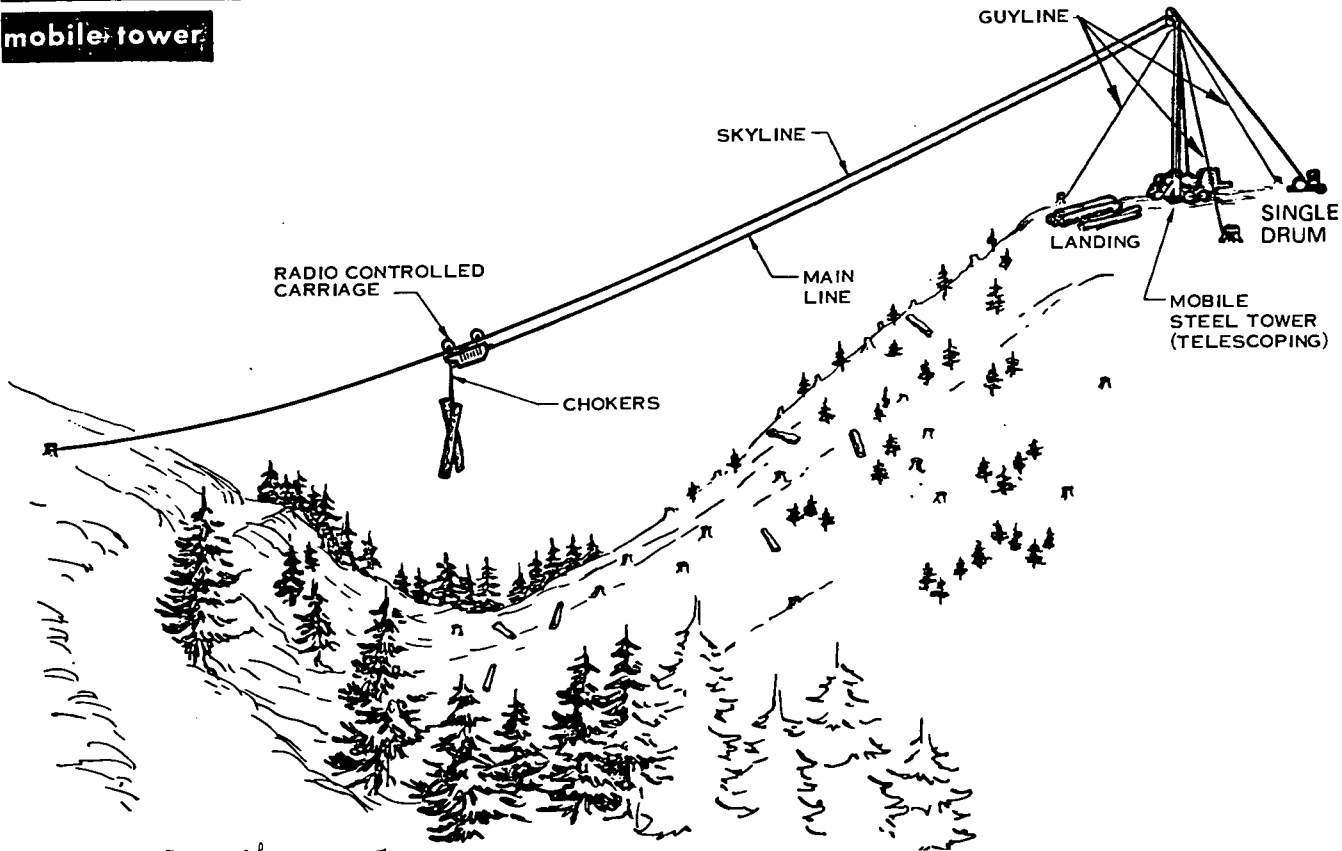


Figure No. 8-I

**SIDE MOUNT TOWER with mechanical slack pulling carriage**

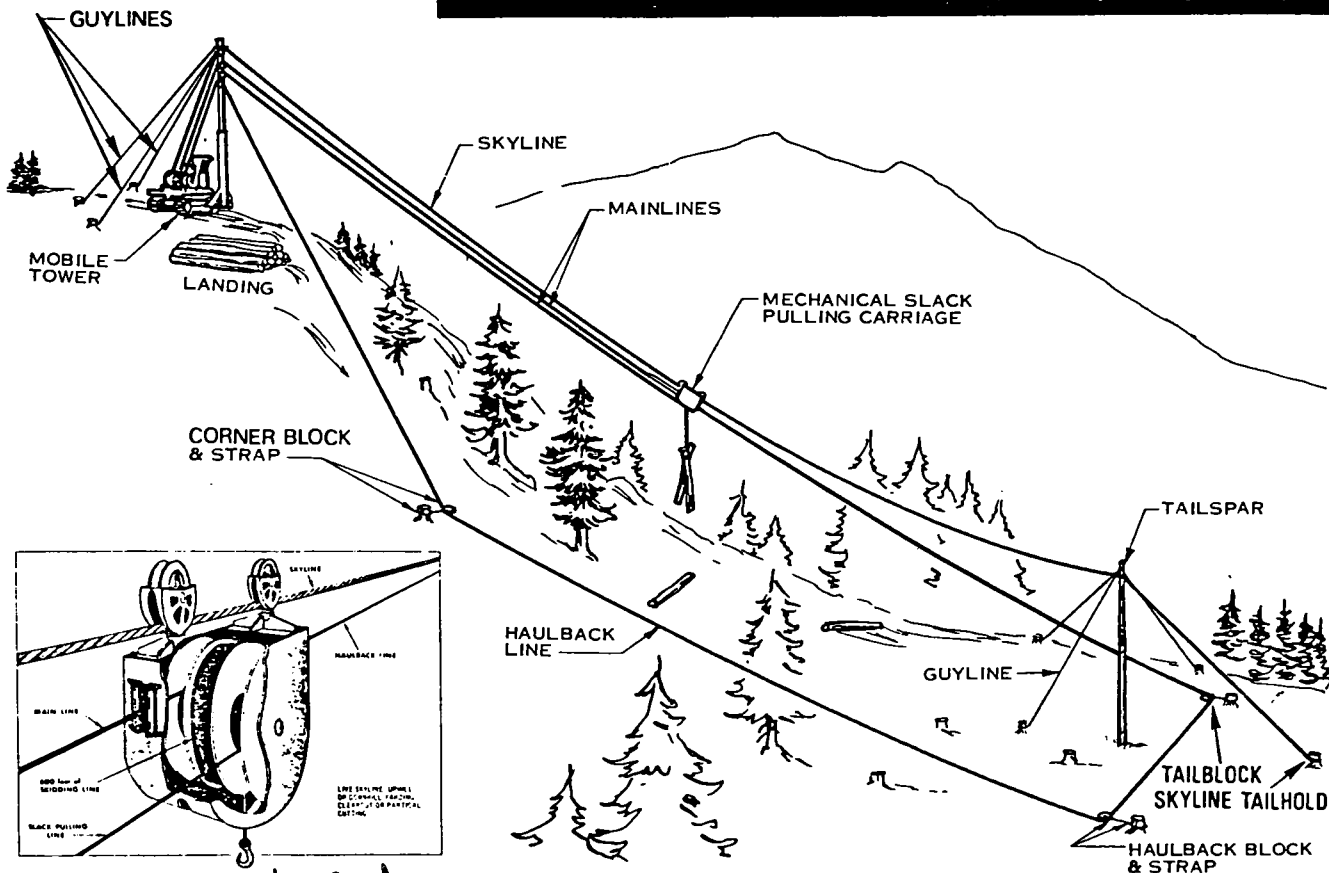


Figure No. 8-J

PARTIAL CUTTING WITH RUNNING SKYLINE

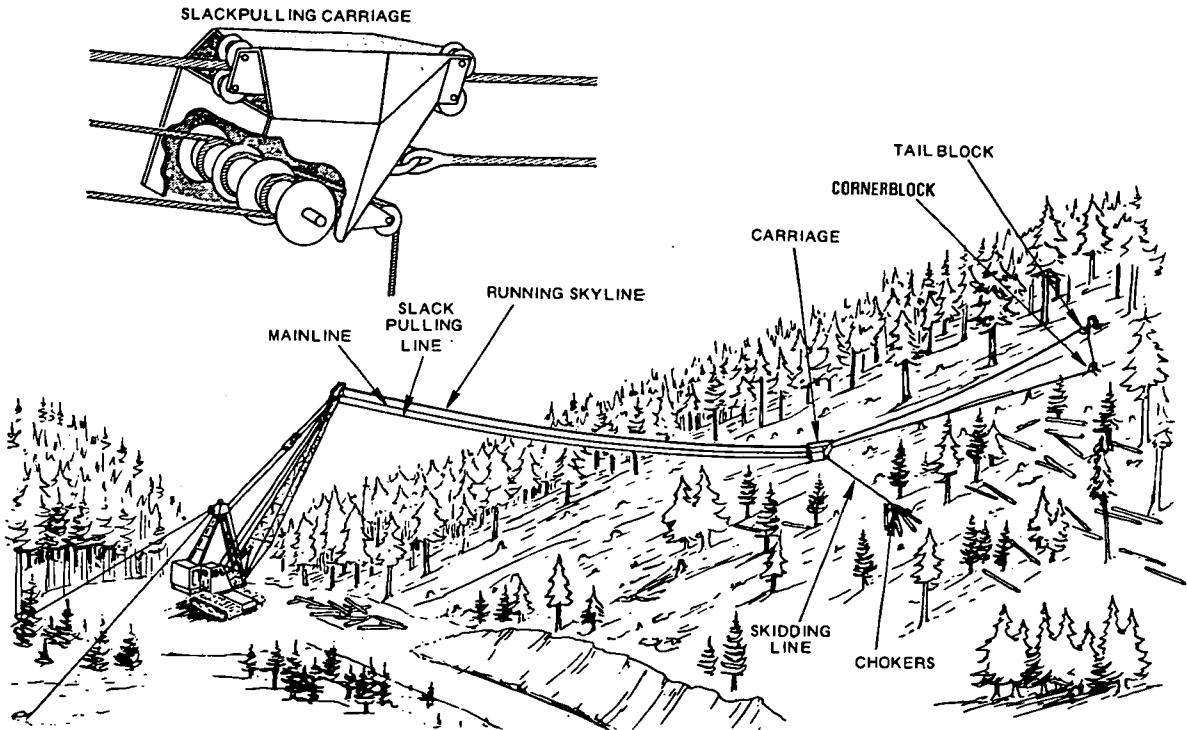


Figure NO. 8-K

**RUNNING SKYLINE with chokers** (GRABINSKI)

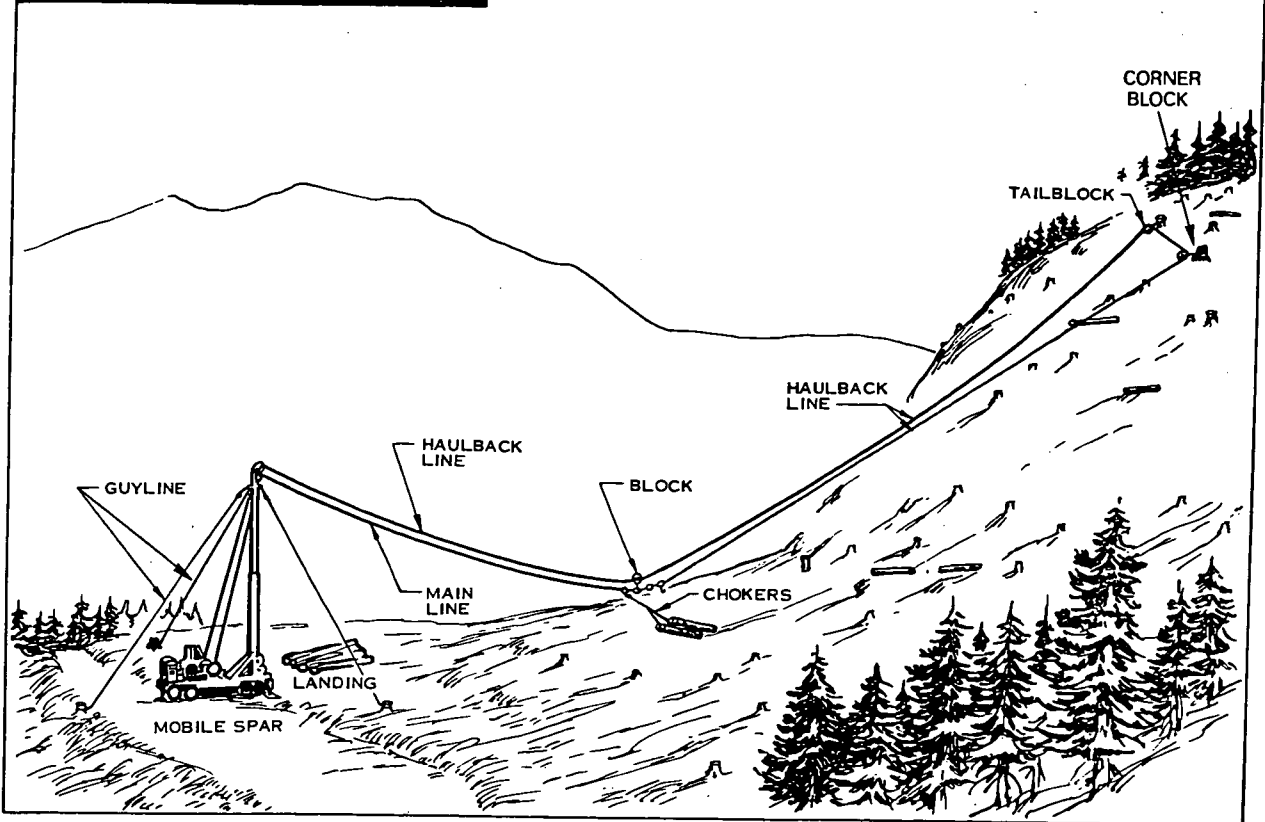


Figure NO. 8-L

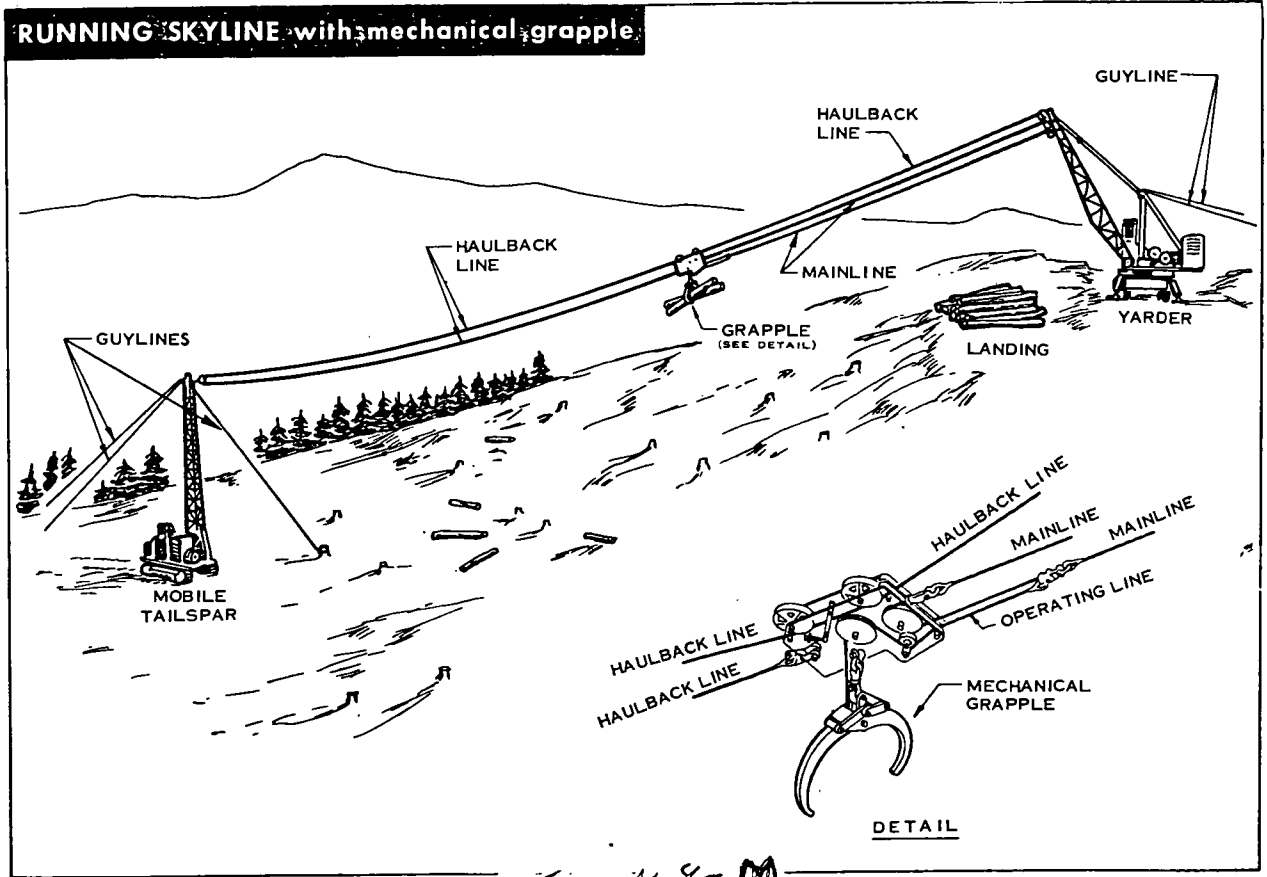


Figure 8-M

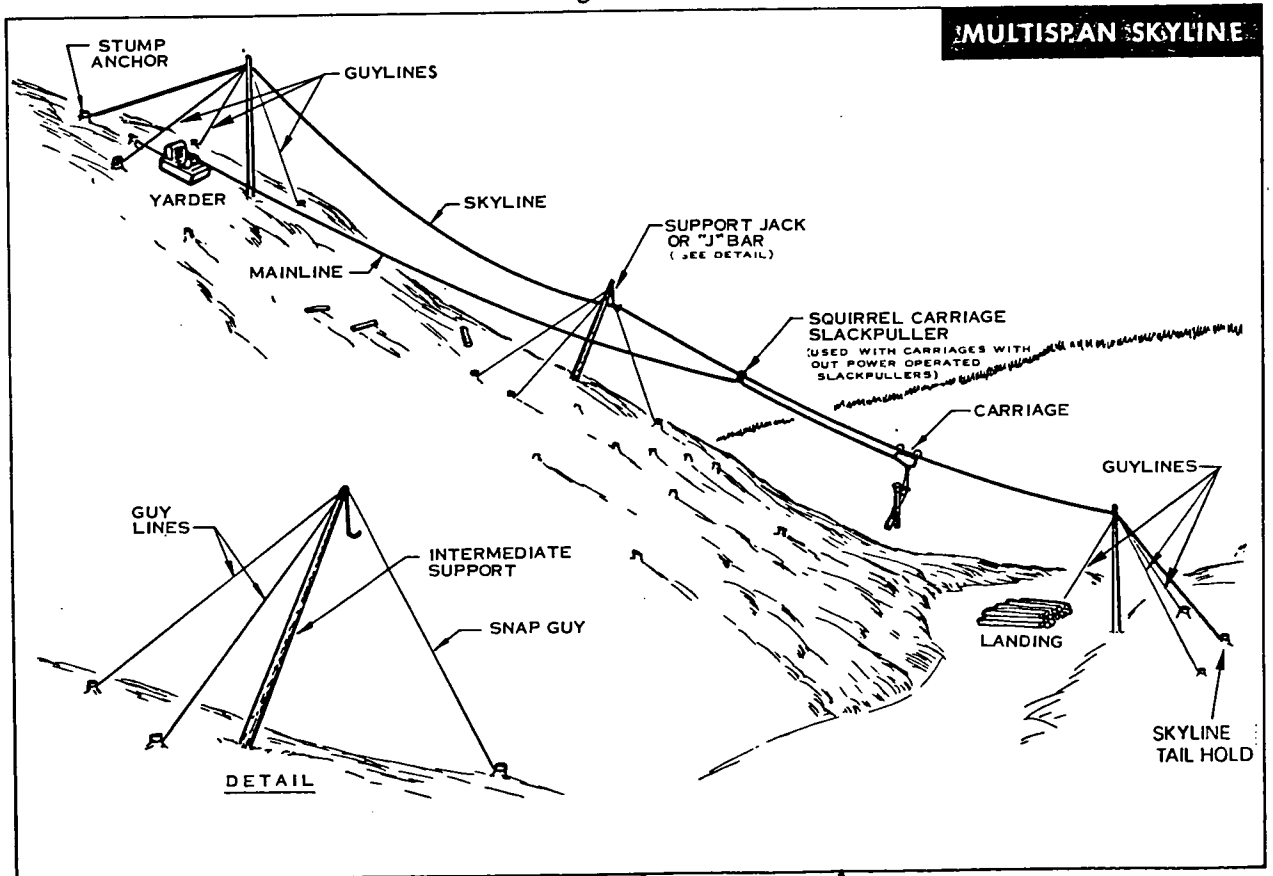


Figure 8-N

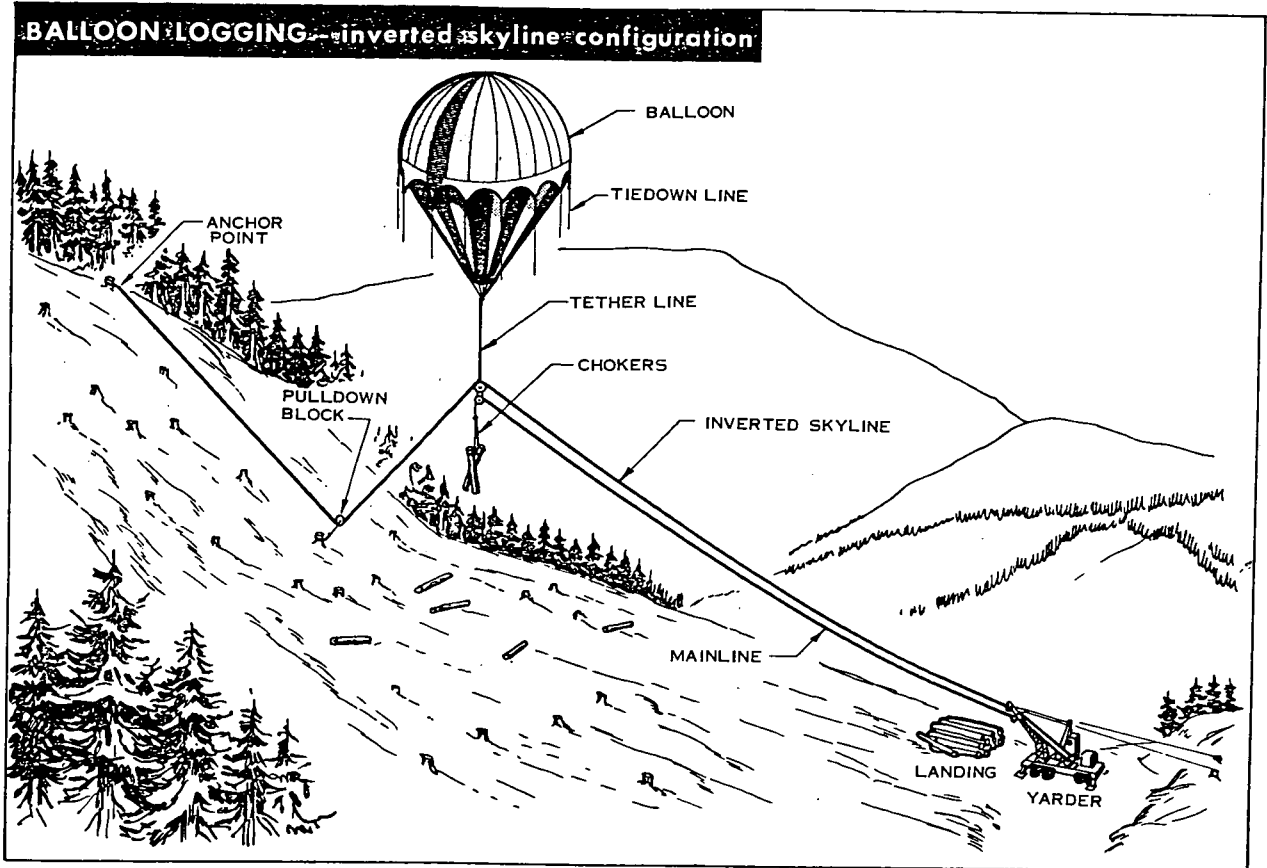


Figure 8-0

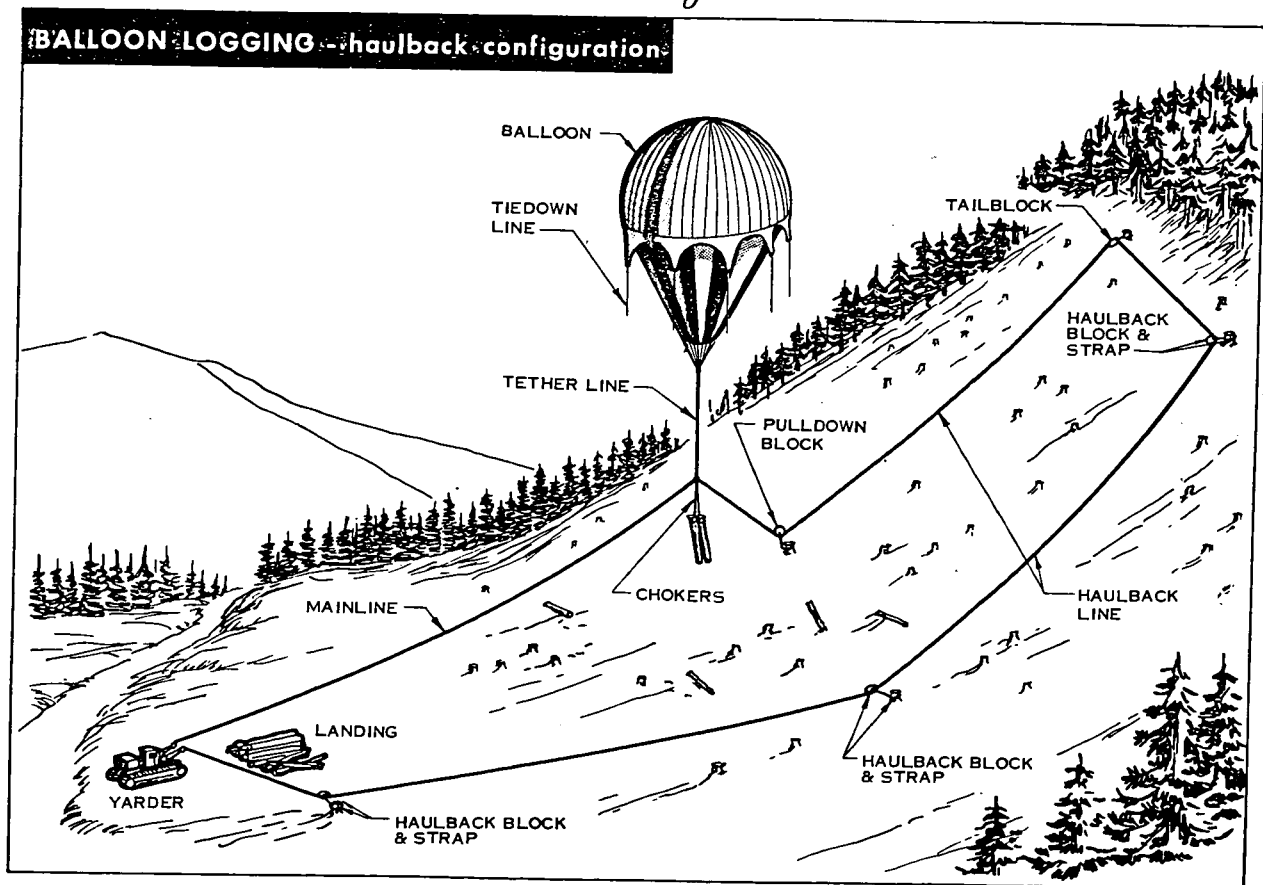


Figure 8-p

**HIGH LEAD LOGGING WHISTLE SIGNALS**

—Means longer spacing between signals.

1 short .....	Stop all lines.
3 short-3 short .....	Ahead slow on mainline.
3 short .....	Ahead on mainline.
2 short .....	Ahead on haulback.
2 short-2 short .....	Ahead slow on haulback.
3 short-1 short .....	Ahead on strawline.
3 short-1 short-3 short ..	Ahead slow on strawline.
4 short or more .....	Slack mainline.
2 short-4 short .....	Slack haulback.
3 short-1 short-4 short ..	Slack strawline.
3 short-2 short .....	Standing tight line.
1 short-1 short .....	Tight line while lines are running, or break if running tight.
3 short .....	When rigging is in: strawline back on haulback.
3 short / plus "X" number of shorts .....	When rigging is in: indicates number of sections of strawline back on rigging.
3 short-1 short-2 short ..	Strawline back on rigging.
1 short .....	When rigging is in: Chaser inspect and repair rigging.
2 short .....	When rigging is in: no chokers back.
2 short-1 short / plus "X" number of shorts ..	Number of chokers back.
2 short-4 short .....	When rigging is in: slack haulback—hold all lines until 2 short blown.
3 medium .....	Hooker.
3 medium-4 short .....	Hooker and his crew.
5 long .....	Climber.
4 long .....	Foreman.
1 long-1 short .....	Start or stop work.
7 long-2 short .....	Man injured, call transportation and stretcher.
1 long-1 short repeated ..	Fire.
Grabinski System	
2 short-1 short .....	Slack mainline and haulback together.
2 long .....	Take off or put on rider block.

Figure 8-Q

**SKIDDER WHISTLE SIGNALS**

—Means longer spacing between signals.

1 short .....	Stops moving carriage—Stops or goes ahead on slack puller, as case may be, if carriage is stopped.
2 short .....	Go ahead on skidding line holding carriage.
1 short-2 short .....	Pick up skidding line, easy.
2 short-1 short .....	Shake up carriage to clear choker.

2 short-2 short .....	Ahead on receding line.
3 short .....	Ahead on carriage, holding at present level, using interlock.
3 short-3 short .....	Ahead easy on skidding line.
2 short-2 short-2 short ..	Slack skyline, cable down.
2 short-2 short-2 short-1 short .....	Pick up skyline, cable up.
2 short-2 short-4 short ..	Slack receding line.
2 short-4 short .....	Slack skidding line.
2 short-2 short-1 short ..	Tighten all lines.
1 short-4 short .....	Slack off slack puller.
1 short-2 short .....	Pick up slack puller when slack.
2 short-2 short / plus "X" number of shorts ..	When carriage is in: number of chokers wanted.
2 short-2 short-1 long ..	Bull choker.
1 short .....	When carriage is in: inspect butt rigging.
2 short-4 short / 1 short ..	For each additional ten feet of tong line.
1 long / plus "X" number of shorts .....	Number of coils of strawline wanted.
5 Medium .....	Tail or second rigger.
5 medium-4 short .....	Tail or second rigger and his crew.
2 medium .....	Skidder head rigger.
3 medium-4 short .....	Hooker and his crew.
2 long .....	Ahead on transfer.
2 long-4 short .....	Slack transfer
1 short-3 short .....	Ahead on carriage with slack puller line.
1 long .....	Ahead on strawline.
1 long-4 short .....	Slack strawline.
1 long-3 short .....	Ahead easy on strawline.
5 long .....	Climber.
4 long .....	Foreman.
1 long-1 short .....	Start or stop work.
7 long-2 short .....	Man injured, call transportation and stretcher.
1 long-1 short repeated ..	Fire.

Figure 8-R

**SLACKLINE WHISTLE SIGNALS**

—Means longer spacing between signals.

2 short-2 short-2 short-1 short .....	First cable up when road has been changed and tail hold made fast.
2 short-2 short-2 short ..	Drop skyline.
1 short .....	Stop any moving line.
1 long .....	When logging, slack skyline.
2 short .....	Ahead on skyline.
1 long-2 short .....	Ahead easy on skyline.
3 short .....	Ahead on skidding line, holding haulback.

3 short-3 short .....	Ahead easy on skidding line with slack haulback.
4 short .....	Slack skidding line.
2 short-2 short / 2 short-2 short .....	Ahead easy on haulback with slack skidding line.
2 short-2 short .....	Ahead on haulback.
2 short-2 short-4 short ..	Slack haulback.
2 short / 3 short .....	Pick up skyline and skid.
2 short / 2 short-2 short	Pick up skyline and skin.
3 short-1 short .....	When carriage is in: strawline back on haulback.
3 short-1 short-2 short ..	When carriage is in: strawline back on carriage.
3 short-1 short .....	When strawline is out: ahead on strawline.
3 short-2 short .....	Tight line.
3 short-1 short-4 short ..	Slack strawline.
3 short-1 short-3 short ..	Pull easy on strawline.
2 long .....	Ahead on transfer.
2 long-4 short .....	Slack transfer.
2 long-2 short-2 short ..	When carriage is in: transfer back on carriage.
1 long / plus "X" number of shorts ....	When carriage is in: number of coils.
2 short-2 short-1 short / plus "X" number of shorts .....	When carriage is in: number of chokers.
1 short .....	When carriage is in: inspect rigging, repair and send back.
2 short-2 short-4 short ..	When carriage is in: slack haulback and hold all lines until 1 short is blown-then send back.
3 short-3 short .....	When carriage is in: send back powder.
5 medium .....	Tail rigger.
5 medium-4 short .....	Tail rigger and his crew.
3 medium .....	Head hooker.
3 medium-4 short .....	Second hooker and his crew.
5 long .....	Climber.
4 long .....	Foreman.
1 long-1 short .....	Start or stop work.
7 long-2 short .....	Man injured, call transportation and stretcher.
1 long-1 short repeated ..	Fire.

Figure 8-S

**RUNNING SKYLINE WHISTLE SIGNALS**

— Means longer spacing between signals

1 short .....	Stop all moving lines
2 short .....	Skin carriage back
2 short — 1 short .....	Slack haulback
2 short — 2 short .....	Skin carriage easy
2 short — 3 short .....	Standing tight line
1 short — 2 short .....	Ahead on drop line

4 short .....	Slack drop line
1 short — 4 short .....	Slack both mainlines
1 short — 1 short .....	Stop drop line going up and move carriage forward
3 short .....	Move carriage forward
3 short — 3 short .....	Move carriage forward easy
3 short — 1 short .....	When strawline is out: Ahead on strawline
3 short — 1 short — 4 short .....	Slack strawline
3 short .....	When carriage is in: Strawline
3 short — X short .....	When carriage is in: Number sections
3 short — 1 short — 2 short .....	When carriage is in: Strawline back on carriage
2 short — X short .....	When carriage is in: Number of chokers
4 short .....	When carriage is in: Inspect rigging, repair and send back
1 short .....	When carriage is in: Hold all lines until 2 shorts, then send back
3 medium .....	Head hooker
3 medium — 4 short .....	Hooker and his crew
4 long .....	Foreman
1 long — 1 short .....	Start or stop work
7 long — 2 short .....	Man injured; call transportation and stretcher
1 long — 1 short (repeated) .....	Fire
3 short — 1 long .....	Acknowledged by engineer to signify hazardous turn

Figure 8-T

**TENSION SYSTEM SIGNALS**

4 .....	Release tension
1 short .....	Stop carriage and start unspooling tong line
1 short .....	Stop tong line
1 short .....	Resume unspooling tong line
1 short .....	Will stop any moving line or slack tong line when carriage is stopped
2 short - 2 short .....	Go into interlock and go back
2 short - 4 short .....	Slack haulback and let carriage down
<b>After Turn is Set</b>	
2 short .....	Go ahead on tong line
2 short - 3 short .....	Go ahead easy on tong line
3 short .....	Go into interlock and take carriage to landing
3 short - 3 short .....	Ahead on carriage easy
1 short - 2 short .....	Increase tension on tong



line when carriage is going in  
 short - 1 short . . . . . Decrease tension on tong line when carriage is going in

Figure 8-U

(2) Any defective parts that would make the vehicle unsafe to operate, shall be replaced or repaired before the vehicle is placed in service.

(3) All motor vehicles operated on public roads shall comply with the rules of the regulatory body having jurisdiction. Motor vehicles used on roads not under the control of the State Department of Transportation, counties or cities shall be equipped with accessories necessary for a safe operation including operable head lamps and at least two tail lamps and brake lamps which shall emit a red light plainly visible from a distance of one thousand feet to the rear and shall also have two reflectors visible at night from three hundred fifty feet when directly in front of properly adjusted motor vehicle head lamps.

(4) Truck tires worn beyond a point of safety or not meeting the safety requirements of the jurisdiction having authority as to tread wear and tire conditions, shall not be used.

(5) The driver shall do everything reasonably possible to keep his truck under control at all times and shall not operate in excess of a speed at which he can stop the truck in one-half the distance between him and the range of unobstructed vision.

(6) The area between the truck frame members, extending from the cab rearward as far as necessary to provide a safe work area, shall be covered with suitable nonslip type material. Log trucks which have logs scaled at stations shall be provided with a platform on each side extending outward from the frame members at least eighteen inches, and shall be eighteen inches long or as near this dimension as the design of the truck will permit. The treading surface of the platforms shall be of nonslip type material and the platform shall be capable of safely supporting a five hundred pound load.

(7) To protect the operator of vehicles from loads, a substantial bulkhead shall be provided behind the cab which shall extend up to the height of the cab.

(8) If logs must be scaled or branded while the loading operation is being carried on, the loading operation shall cease while the scaling or branding is being done so that the scaler or person doing the branding is not subjected to any hazards created by the loading operation.

(9) When at the dump or reload or where logs are scaled or branded on the truck, the logs shall be scaled or branded before the binders are released.

(10) All vehicles, where vision of the operator in the direction of travel is impaired by the load or vehicle, shall be moved only on a signal from a worker who shall have a clear view in the direction in which the vehicle is to be moved.

(11) Where a bridge or other roadway structure is posted with a load limit sign, log truck drivers or operators of other heavy equipment are prohibited from

driving a load in excess of the posted limit over such structure.

(12) Persons shall be allowed to ride only when in the cab of the log truck.

(13) All trucks shall keep to the right side of the road except where the road is plainly and adequately posted for left side travel.

(14) A method shall be provided to assure that the trailer will remain mounted on the truck while driving on highways or logging roads.

(15) When trucks are towed on any road, the person guiding the vehicle being towed shall, by prearranged signals, govern the speed of travel. The towing of vehicles shall be done at a reasonable speed and in a prudent manner. A tow cable or chain over fifteen feet in length shall have a white flag affixed at the approximate center, however, it is recommended that a rigid tow bar be used for this purpose.

(16) All air lines, air chambers and systems shall be free of leaks and be able to maintain air pressure on constant brake application with the motor shut-off for one minute, or air pressure does not drop more than 4 p.s.i. in one minute with the engine running at idling speed and the service brake applied.

(17) All rubber-tired motor vehicles shall be equipped with fenders. Mud flaps may be used in lieu of fenders whenever the motor vehicle is not designed for fenders.

(18) Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (D.O.T. Federal Motor Vehicle Safety Standards) shall be installed and used in all motor vehicles.

(19) All trucks shall be equipped with doors with operable latches, or a safety bar or strap shall be provided in lieu of the door.

(20) All trucks shall be equipped with a means to protect the operator from inclement weather.

(21) Log trucks shall not approach a landing while there is danger from incoming logs.

(22) Log truck drivers shall stop their vehicle, dismount, check and tighten loose load wrappers and binders, either just before or immediately after leaving a private road to enter a public road.

NEW SECTION

WAC 296-54-569 MOTOR TRUCK LOG TRANSPORTATION—BRAKE REQUIREMENTS.

(1) Motor logging trucks and trailers shall be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. When unattended trucks are parked on a grade, in addition to setting the brakes, the wheels shall be chocked or blocked.

(2) Logging truck tractors having more than two axles need not have brakes on the steering axle wheels.

(3) All trucks equipped with air brakes shall be also equipped with a readily visual or audible low air pressure warning device in good working order.

(4) Engine-type brakes shall be considered as auxiliary controls, not a substitute for the requirement for a service brake system.

(5) Brake drums shall be maintained free of cracks, breaks or defects. Defective brake drums, cans, shoes or air lines shall be immediately repaired or replaced.

#### NEW SECTION

WAC 296-54-571 MOTOR TRUCK LOG TRANSPORTATION—TRAILER HITCHES AND SAFETY CHAINS. (1) All log truck and trailer combinations shall be equipped with approved hitches (couplings) which shall:

(a) Be capable of withstanding, in any direction, the potential stresses imposed;

(b) Be of a design which would not be rendered inoperative by dirt and debris and shall be locked securely and positively;

(c) Be attached to the truck frame or extension of the truck frame by means of not less than four machine bolts and nuts (120,000 p.s.i. material or better) 3/4-inch diameter or larger, secured by lock nuts. Other means of attachment furnishing strength equal to or greater than the above may be accepted if of approved design and application; and

(d) Hitches (couplings) or parts that are broken, cracked, excessively worn, or otherwise defective hitches shall be repaired before use.

(2) Each log truck and trailer combination or log truck and independent trailer combination shall be provided with two or more safety chains or cables with a rated breaking strength of not less than the gross weight of the towed vehicle, be capable of holding the trailer in line in case of failure of the hitch assembly, and be as follows:

(a) Be permanently attached to the frame of the truck or an extension of the truck frame;

(b) Form a separate continuous connection between the truck frame or extension of the truck frame and the reach or trailer;

(c) Be attached not more than twelve inches from the eye of the reach or trailer;

(d) Be of a length short enough to prevent the trailer reach or tongue from contacting the ground in the event of disengagement from the truck;

(e) Be of a design to provide a positive connection that cannot be rendered inoperative by any condition of use or exposure.

(3) Safety chains and cables shall be replaced immediately if they contain cut, cracked, or excessively worn links, or frayed, stranded, or otherwise defective wire rope.

(4) Butt welding of safety chain links to reach truck frame, or extension of truck frame is prohibited.

(5) Cold-shuts may be used in safety chains provided they are welded shut and one size larger than the chain being used.

(6) There shall be no welding or hole drilling in frames on which the manufacturer recommends this not be done.

#### NEW SECTION

WAC 296-54-573 MOTOR TRUCK LOG TRANSPORTATION—REACHES AND BUNKS.

(1) Log trailers shall be connected to tractors by reaches of a size and strength to withstand all normal imposed stresses. Spliced wooden reaches shall not be used. Proper repair of metal reaches by welding will be permitted if done by a qualified welder.

(2) Hand-holds or other facilities shall be installed on trailer tongues or trailer reaches if workers are required to manually assist in coupling them to their tractors or trucks.

(3) A positive means, other than clamp and in addition to the clamp, shall be installed on the reach of log truck trailers when the trailers are being towed without a load.

(4) Persons shall never enter the area below a suspended load of logs. At dumps where the load must remain suspended above the bunks until the truck is moved away, and when the trailer is the type with a compensating pin in the reach, a method shall be utilized which will allow the trailer to be towed away from the danger area.

(5) The reaches of unloaded trailers being towed shall be provided with and use a minimum one-inch pin near the end or an equally effective means to prevent pulling or stripping through the tunnel.

(6) Reach locks, clamps, or tighteners shall be of the type that will securely lock the reach in the tunnel.

(7) No reach of less than the maximum size usable in the tunnel of a trailer shall be permitted.

(8) Alteration of trailer tunnel to permit reduction of reach size is prohibited.

(9) Every truck or truck and trailer engaged in the transportation of logs loaded lengthwise, shall be equipped with bunks and chock blocks or stakes.

(10) Log bunks or any part of bunk assembly bent enough to cause bunks to bind, shall be straightened. Bunks shall be sufficiently sharp to prevent logs from slipping. Trip type stakes shall be properly secured and locked in a manner which will prevent them from accidentally tripping or falling.

(11) All trucks with swivel type bunks shall have bunk locks or an equivalent system of holding the bunks in place while loading logs.

(12) The bunks or bolsters of any truck or trailer shall be either curved upward or straight. Bunks with ends lower than their centers are prohibited.

(13) Sufficient clearance between the bunk and bunk rider shall be maintained to prevent bunk binding.

(14) Trailer bunks shall be provided with a false or tilt bunk. The channel of the bunk shall be kept reasonably free of debris.

(15) Stakes and stake extensions shall be installed and maintained so that the angle between bunks and stakes (and extensions if used) shall not exceed ninety degrees when loaded.

(16) Frames, reaches, bunks and running gear of log trucks shall be maintained free of cracks, breaks and defects. If defects are found, they shall be immediately repaired or the part replaced.

NEW SECTION

WAC 296-54-575 MOTOR TRUCK LOG TRANSPORTATION—STAKES, STAKE EXTENSIONS AND CHOCK BLOCKS. (1) Trucks and trailers shall be equipped with bunk stakes or chock blocks of strength and sized material to perform their intended function.

(2) The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact load. Molles or cold shuts are prohibited in chains or cables used for linkage.

(3) Stake chains or cables shall be equal to or better than "high test" steel chain or "plow steel" wire rope, and shall be of a size necessary to meet the requirements of a safe working load of not less than six thousand six hundred pounds. (3/8-inch alloy chain, 7/16-inch high test chain of welded link construction, and 5/8 inch improved plow steel cable in 6 x 19 and 6 x 37 construction meet this requirement.)

(4) Bunk chains containing cut, cracked, excessively worn, or otherwise defective links, shall be immediately removed from service. Molles, cold-shuts (welded or otherwise), or bolts are not permitted in bunk chains.

(5) The use of frayed, stranded, or otherwise defective wire rope for chock block cable or stake straps is prohibited.

(6) Only chain links approved for welding (and properly welded) or approved repair links which will develop a strength equivalent to the chain, are permissible for repairs or attachments to stake chains or binder chains.

(7) Chains or cables used to secure stakes or chock blocks shall be secured in a manner which will not necessitate hammering directly on them to release the stakes or blocks. Keyhole slots and similar methods of securing chains are prohibited.

(8) Deformed or defective stakes, stake securing or stake locking devices, or bunks shall be immediately repaired or removed from service.

NEW SECTION

WAC 296-54-577 MOTOR TRUCK LOG TRANSPORTATION—WRAPPERS AND BINDERS. (1) On log trucks equipped with stakes, the following requirements shall apply:

(a) In the hauling of a one log load, one wrapper chain or cable shall be required and secured to the rear bunk. The log shall 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.

(b) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(c) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(d) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(2) On log trucks equipped with chock blocks, the following requirements shall apply:

(a) In the hauling of a one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(b) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in subdivisions (1) (c) and (d) of this section.

(3) In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck or trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight-fitting socket at least 12 inches in depth. Other means furnishing equivalent security may be acceptable.

(4) When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(5) To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(6) No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(7) All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(8) All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(9) Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(10) A warning shall be given before throwing wrappers over the load and care shall be taken to avoid striking other persons with the wrapper.

(11) Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(12) While moving logs, poles, or log chunks within sorting or mill yards, that could roll or slide off the truck due to snow or ice conditions, or the logs or log chunks do not extend beyond the stakes, at least two wrappers

and binders shall be used regardless of the height of the load.

(13) Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

NOTE: 3/8-inch Hi-Test steel chain, 7/16-inch improved Plow Steel wire rope of 6x19 or 6x37 construction, or materials having equivalent strength, when in compliance with the requirements herein contained, will be acceptable. (The diameter of the wire rope is immaterial as long as it meets the minimum breaking strength requirements.)

(14) A loaded logging truck required to have wrappers by this section, may be moved within the loading area without wrappers only if such movement does not present a hazard to workers.

(15) For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(16) All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(17) Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(18) Wrappers shall be removed from service when any of the following conditions exist:

- (a) Excessively worn links on chains;
- (b) Deformed or stretched chain links;
- (c) Cracked chain links;
- (d) Frayed, stranded, knotted, or otherwise defective wire rope.

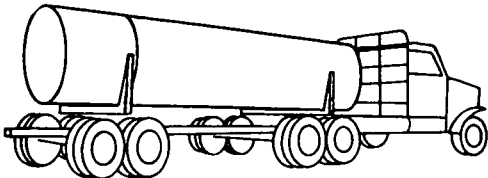
(19) Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(20) Defective binders shall be immediately removed from service.

NOTE: See Figures 9-A and 9-B for Illustrations of Placement and Number of Wrappers.

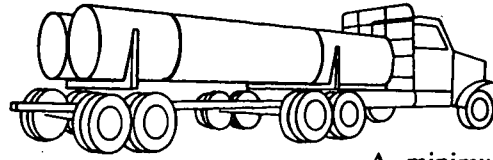
PLACEMENT AND NUMBER OF WRAPPERS

One Log Load



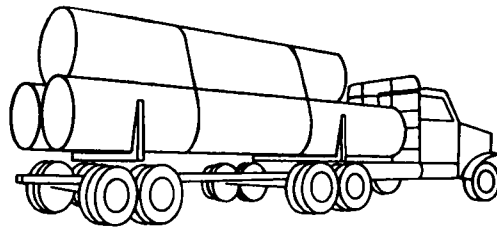
One wrapper required which shall be secured to the rear bunk. The Log shall be blocked or secured in a manner to prevent it from rolling or shifting. An additional wrapper secured to the front bunk is optional.

Two Log Load



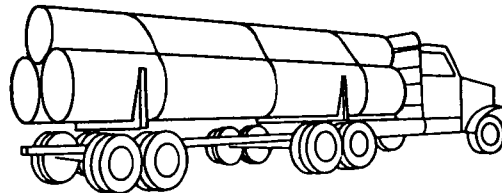
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting. If all logs are not contained by the stakes, additional wrappers required.

Three Or Four Log Load 44 Ft. Or Less



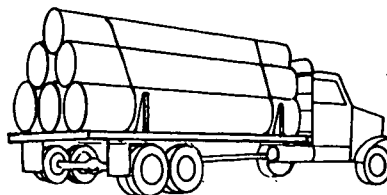
A minimum of two wrappers required. If all logs are not contained by the stakes, additional wrappers required.

Three Or Four Log Loads More Than 44 Feet



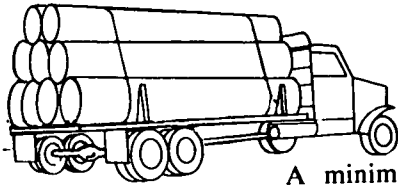
A minimum of three wrappers required. If all logs are not contained by the stakes, additional wrappers required.

Five Or Six Log Load All Logs 17 Feet Or Less



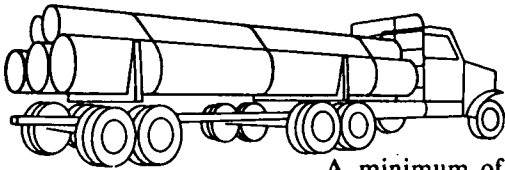
A minimum of two wrappers required. If all logs are not contained by the stakes, additional wrappers required.

Seven Or More Log Load  
All Logs 17 Feet or Less



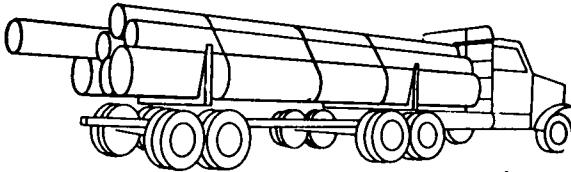
A minimum of two wrappers required. If all logs are not contained by the stakes, additional wrappers required.

Five Or More Log Load  
If Any Logs Are More Than 17 Feet



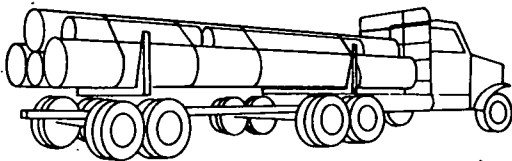
A minimum of three wrappers are required. If all logs are not contained by the stakes, additional wrappers required.

Proper Support for Logs



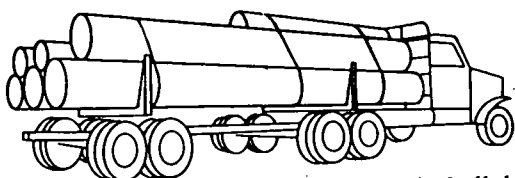
Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

Outside Logs Or Top Logs



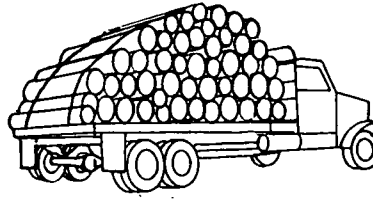
All outside (wing) or top logs shall be secured by a wrapper near but not within 12 inches of each end.

A Wrapper Shall Be Near Each Bunk



Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Short Logs Loaded Crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

NOTE: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

NEW SECTION

WAC 296-54-579 MOTOR TRUCK LOG TRANSPORTATION—MISCELLANEOUS REQUIREMENTS. (1) No truck wheel shall have more than twenty-five percent of the lugs missing or defective.

(2) All truck wheels shall be maintained free of cracks, breaks, or defects.

(3) Windshields on all equipment shall be provided with windshield wipers in good working condition.

(4) Mule train trailers shall have a platform on the trailer tongue at least twelve inches by twenty-four inches made of nonslip material and capable of supporting at least three hundred pounds. The platform shall be of the self-cleaning type.

(5) Logs shall be loaded so that not more than approximately one-third of the weight of any log shall extend beyond the end of the logs or bunk supporting it.

(6) Trailer loading and unloading straps, links, or chains shall be fastened securely to the trailer frame and used in hoisting the trailer. The connections shall be maintained in good condition and shall not be attached to the trailer bunk. The use of molles for this purpose is prohibited.

(7) In unloading trailers from trucks, trailers shall be hoisted clear, the truck driven forward a safe distance, and the trailer lowered to within one foot of the roadway before persons approach the trailer or reach.

(8) Trailer hoisting or unloading straps shall be constructed and installed in a manner enabling the loading or unloading machine to engage the strap without manual personal contact.

(9) All motor vehicles shall be equipped with a horn that is audible above the surrounding noise level. The horn shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The horn shall be maintained in an operative condition.

NEW SECTION

WAC 296-54-581 MOTOR TRUCK LOG TRANSPORTATION—STEERED TRAILERS. Steered trailers, not controlled from the truck cab, shall be designed, constructed, and operated as follows:

(1) A secure seat with substantial foot rest shall be provided for the operator at the rear of the bunk. Any arrangement that permits the operator to ride in front of the bunk is prohibited unless a false bunk or other adequate protection is provided for the operator.

(2) The seat for the operator shall be so arranged that he has an unobstructed exit from both sides and the rear.

(3) The bunk support shall be so constructed that the operator has a clear view ahead at all times.

(4) Adequate means of communication shall be provided between the operator and the truck driver.

(5) Eye protection and respirator shall be provided for the operator.

(6) The trailer shall be equipped with fenders or splash plates to protect the operator from mud and dust so far as possible.

(7) If used during periods of reduced visibility on roads not under the control of the State Department of Transportation, counties, or cities, the trailer shall be equipped with head, tail, turn and stop lights.

#### NEW SECTION

WAC 296-54-583 STATIONARY LOG TRUCK TRAILER LOADING. (1) All loading devices shall be designed, constructed, and maintained in such a manner as to have a five to one safety factor for its rated load capacity.

(2) Loaders shall be constructed of such height and width that they can be safely used to load the maximum-sized trailers they will be expected to handle without hanging up or striking the equipment.

(3) Electric-powered trailer loading devices shall be equipped with a switch or device which will govern the upper direction of travel of the load line to a safe limit.

(4) Electric motors used for hoisting purposes shall be equipped with approved overload switches or breakers.

(5) All electrical switch controls shall not exceed twenty-four volts. All control switches shall be of the momentary contact type which require continuous manual pressure for hoist to operate.

(6) Pendant-type control switches shall be suspended by a chain or other suitable device which will prevent placing a strain on the electrical cable.

(7) Pendants shall be so installed that when retracted the control switch shall not touch the ground.

(8) All electrical equipment shall be weatherproof-type or adequately protected from the weather, and shall meet or exceed the requirements of the National Electrical Code as promulgated by the Director of the Department of Labor and Industries pursuant to RCW 19.28.060.

(9) Trailer loaders, except A-frame type or bridge crane, shall be equipped with reach guides or devices which will keep reach in proper alignment. A tag rope or other safe guidance device shall be used to guide trailers being loaded by use of an A-frame type loader.

(10) Access roads and the area around the trailer loading devices shall be kept free of standing water and debris and maintained in good repair.

(11) The maximum capacity load to be lifted shall be posted in a conspicuous location where it can be easily seen by any person operating the hoist.

(12) Trailer loading equipment shall be periodically inspected at least every thirty days and shall be maintained in good repair. A written report shall be made and signed by the person making the inspection and kept on file by the company for twelve months.

(13) A lifting test shall be conducted annually on each loading device and a written record showing the date, name of person conducting the test, amount of weight lifted and results shall be kept in the office of the employer or at the site. The test weight shall be at least one hundred twenty-five percent of the maximum rated load but not more than one hundred thirty percent of the maximum rated load.

(14) Each drum shall be designed and arranged in such a manner that the line will maintain lead and spool evenly without chafing, crossing or kinking.

(15) A braking system shall be installed which shall have the capability of safely braking and holding one and one-half times weight of the full rated load.

(16) When trailers are to be loaded after dark, sufficient lights shall be provided for a safe operation.

#### NEW SECTION

WAC 296-54-585 LOG UNLOADING, BOOMS, AND RAFTING GROUNDS—STORAGE AND SORTING AREAS—GENERAL REQUIREMENTS.

(1) At no time shall one person be permitted to work alone.

(2) (a) Employees working on over or along water, where the danger of drowning exists, shall be provided with and shall wear approved personal flotation devices.

(b) Employees are not considered exposed to the danger of drowning when:

(i) The water depth is known to be less than chest deep on the exposed individual;

(ii) When working behind standard height and strength guardrails;

(iii) When working inside operating cabs or stations which eliminate the possibility of accidentally falling into the water;

(iv) When wearing approved safety belts with lifeline attached so as to preclude the possibility of falling into the water.

(c) Prior to and after each use, personal flotation devices shall be inspected for defects which would reduce their designed effectiveness. Defective personal flotation devices shall not be used.

(d) To meet the approved criteria required by subdivision (a), a personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Life-saving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices). Ski belt or inflatable type personal flotation devices are specifically prohibited.

(3) In operations where regular logging machinery, rigging, etc., is used, the applicable sections of these rules shall apply.

(4) Artificial lights shall be provided and used where work is to be done between the hours of sunset and sunrise. Such lights shall be located in a manner that will be reasonably free of glare and provide uniform distribution of illumination and avoid sharply defined shadows.

(5) On all log dumps, adequate power for the method used for unloading shall be provided. All machines used for hoisting, reloading or lowering purposes shall be of approved design and sufficient power to control or hold the maximum load imposed in mid-air.

(6) Binders shall not be released from any load until an effective safeguard is provided.

(7) All mobile log handling machines shall be equipped with a means or mechanism which will prevent the logs from accidentally leaving the forks, and shall be used.

(8) The operator of the unloading machine shall have an unobstructed view of the unloading area or shall make certain no one is in the area where the logs are to be unloaded. Rearview mirrors shall be installed on mobile log handling equipment to assist the operator in ascertaining that the area behind the machine is clear before backing up.

(9) Unloading lines shall be so arranged that it is not necessary for the workman to attach them on the pond or dump side of the load.

(10) Life rings with a minimum of ninety feet of one-fourth-inch line with a minimum breaking strength of five hundred pounds attached, shall be provided at convenient points adjacent to water which is five feet or more in depth. Life rings shall be a minimum of thirty inches outside diameter and seventeen inches inside diameter and be maintained so as to retain a thirty-two pound positive buoyancy.

#### NEW SECTION

WAC 296-54-587 WATER DUMPS. (1) All water dumps shall have brow logs except when logs are lifted from the load. If portable equipment is used, adequate stops shall be provided to prevent equipment from running off the dump.

(2) Where necessary for persons to walk alongside loads and equipment on trestles or fills, a minimum twenty-two inch wide walkway shall be provided, unless otherwise specified.

(3) All decks and plankways on log dumps must be kept in good repair and free from bark and other debris. Roadways shall not be inclined more than one inch to twelve inches across the driving surface.

(4) The use of small bridge-over logs, planking or timbers, between regular foot logs, or walkways, which will not support the weight of at least three persons are prohibited. All regular foot logs shall be barked on up-side.

(5) Electric powered hoists using hand-held cord remote controls in grounded locations, shall be actuated by circuits operating at no more than twenty-four volts. All control switches shall be of the momentary contact type which requires continuous manual pressure for the hoist to operate.

(6) Roadbeds at log dumps shall be hard packed gravel, heavy planking, or equivalent material, and shall

be of sufficient width and even surface to insure safe operation of equipment.

(7) Where logs are unloaded on to rollways, sufficient space shall be provided between the top of the skids and the ground to clear the body of a person.

(8) When a brow log is used with a parbuckle system, all persons are prohibited from going between the brow log and the load of logs at any time.

(9) A positive safeguard shall be provided to prevent logs from leaving the loads on the side opposite the dump. Unloading lines, crotch lines or equally effective means shall be arranged and used in a manner to prevent any log from swinging or rolling back.

(10) All persons shall remain in the clear until all moving equipment has come to a complete stop.

(11) Logs shall not be unloaded by peaves or similar manual methods, unless means are provided and used that eliminate the danger from rolling or swinging logs.

#### NEW SECTION

WAC 296-54-589 BOOM AND RAFTING GROUNDS. (1) Breaking of log jams by peavy method is prohibited, except in river drive or when jam occurs away from mechanical means or the dump.

(2) Wooden pike poles shall be of continuous, straight-grained No. 1 material. Defective poles, blunt or dull pikes shall not be used. Conductive pike poles shall not be used where there is a possibility of coming in contact with energized electrical conductors.

(3) Stiff booms shall be made by fastening not less than two boom sticks together. The width of a stiff boom shall be not less than thirty-six inches measured outside to outside of the logs. The boom sticks shall be fastened together with not less than 4" x 6" cross ties, or cable lashings notched into the boom sticks may be used when stiff booms are exposed to heavy swells. Stiff booms shall be kept free of loose bark and shall be maintained in good repair.

(4) A walkway thirty-six inches wide with standard hand railing shall be provided from the shore end of stiff boom to shore.

(5) All sorting gaps shall have a substantial stiff boom on each side of gaps. Such stiff booms or walkways shall be planked over.

(6) (a) Boom sticks shall be reasonably straight with no protruding knots or loose bark. They shall be capable of supporting above the water line at either end the weight of one worker and equipment or two hundred fifty pounds.

(b) Foot logs shall be reasonably straight with no protruding knots or loose bark and shall be of sufficient size to support above the water line at either end the weight of two workers and equipment or five hundred pounds.

(7) Boom sticks which have been condemned as unsafe shall be marked by three chopped crosses ten feet from the butt end, and such sticks shall not be used as boom sticks.

(8) Gaps between boom sticks shall not exceed twenty-four inches. All wire shall be removed from boom sticks and boom chains before they are re-used or hung in rafting stalls.

(9) When permanent cable swifters are used they shall be arranged so that they are within easy reach of rafter without rolling boom sticks on which they are fastened. When cables become hazardous to use because of jagers, they shall be discarded.

(10) When floating donkeys or other power-driven machinery is used on boom, it shall be placed on a raft or float with enough buoyancy to keep the deck of such raft or float well above water. Wherever persons walk, the deck of the raft or float shall be planked over with not less than two inch planking, and kept in good repair.

(11) When doglines used in rafting, brailing or stowing logs become hazardous to use because of jagers, they shall be discarded.

(12) Storing, sorting or any boom work, other than boom boat operations, shall require a minimum of two persons.

(13) Sufficient walkways and floats shall be installed and securely anchored, to provide safe passage for workers.

(14) Walkways alongside sorting gaps shall not be less than four feet wide. Other walkways shall be not less than twenty-two inches wide.

#### NEW SECTION

WAC 296-54-591 BOATS AND MECHANICAL DEVICES ON WATERS. (1) Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed-cabin type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached. On log broncs, boomscooters, or other small boomboats where all occupants are required to wear life saving devices and a life ring would present a tripping hazard, the life ring may be omitted.

(8) (a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-

fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) Where work is assigned over water where the vertical drop from an accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the Department of Labor and Industries prior to such assignment.

(d) Lines attached to life rings on fixed installations shall be at least ninety feet in length, at least one-fourth-inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be maintained to retain at least seventy-five percent of their designed buoyancy and strength.

(9) Log broncs, boomscooters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(10) Boats shall not be operated at an excessive speed or handled recklessly.

#### NEW SECTION

WAC 296-54-593 DRY LAND SORTING AND STORAGE. (1) Unauthorized foot and vehicle traffic shall not be permitted in the sorting or storage area.

(2) Logs shall be stored in a safe and orderly manner. Roadways and traffic lanes shall be kept clear of protruding ends of logs and debris.

(3) Dry deck log storage areas shall be kept orderly and maintained in a condition conducive to safe operation of mobile equipment. Roadways and walkways shall have a smooth hard-packed surface wide enough to permit a safe operation. Bark, mud, and other debris shall not be allowed to accumulate to the extent it constitutes a hazard to the operation.

(4) At log dumps, sorting and storage areas, an effective means shall be provided and used to control dust.

(5) Only an authorized person shall operate or ride any lift truck, log stacker, or log unloader.

(6) Signaling log unloader operators at dry deck areas by throwing bark or chips in the air is prohibited. Hand, horn signals or other safe, effective means shall be used at all times.

(7) Unnecessary talking to operator while engaged in operating controls of log stacker or log unloader is forbidden.

(8) Lift forks and arms of unloading machines shall be lowered to their lowest position, and all equipment brakes set prior to the operator leaving his machine unattended.

(9) Log unloaders or stackers shall not be moved about the premises for distances greater than absolutely



necessary with the lift extended above the drivers head or with loads lifted higher than is necessary for vision.

(10) When truck drivers are out of the cab, they shall be in the clear, and in view of the log unloader before the lift forks are moved under the load and the lift is made.

(11) Where logs are offloaded onto a dry deck by means of unloading lines, a mechanism shall be used which is self-releasing. Employees shall be prohibited from ascending dry decks to release unloading lines.

(12) Persons shall not position themselves in the hazardous area near or under loads of logs being lifted, moved or suspended.

(13) Jackets or vests of fluorescent or other high visibility material shall be worn by persons working on dry land log storages. Hard hats shall be of a contrasting color or shall have high visibility tape affixed thereon.

(14) Log unloaders and log stackers designed in a manner whereby logs being handled may jeopardize the safety of the operator shall be provided with overhead protection and any other safeguards needed to afford adequate protection.

(15) Log unloaders and log stackers shall be equipped with a horn or other audible warning device. The warning device shall be sounded before operating the vehicle in reverse gear and sounded intermittently during the entire backing operation. The warning device shall be maintained in an operative condition.

(16) Each log-handling machine shall be equipped with a braking system which is capable of stopping and holding the machine with maximum load on any grade on which it may be required to work.

(17) A limit stop, which will prevent the lift arms from over-traveling, shall be installed on electric powered log unloaders.

(18) Shear guards shall be installed on unloading machines and similar types of equipment on which the arms pivot and move alongside the operator creating a pinch point at that location.

(19) All fork-lift type machines shall be equipped with grapple arms and the arms shall be used whenever logs are being moved.

(20) When log trucks are loaded by the use of a log stacker and the lay of any log is higher than the stakes, the log stacker shall remain against the completed load, or other suitable protection provided, to prevent the logs from falling until at least two wrappers and binders have been applied.

(21) All binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of the truck or trailer when binders are released. A shear log, or equivalent means, shall be provided to ensure the log truck will be stationed close enough to the wrapper rack so that a log cannot fall between the log truck and the wrapper rack when removing binders and wrappers. At least one binder shall remain secured while relocating or tightening other binders. Crotch lines, fork lifts, log stackers, log unloaders, or other effective means shall be used for this purpose.

(22) An extra wrapper or metal band of equal strength shall be placed to hold the logs when it is necessary to remove a wrapper to prevent it from being fouled by the unloading machine.

(23) Machines of the type having arms which block the regular exit when in the up position, shall have an emergency exit installed.

(24) Seat provided. Riding on any part of a log handling machine except under the canopy guard is prohibited.

(25) Identification tags shall not be applied or pulled unless logs are resting in a stationary place, such as bunks, cradles, skids, or sorting tables.

(26) No person shall approach the immediate vicinity of a forklift-type log handling machine without first notifying the operator of his intention and receiving an acknowledgement from the operator.

(27) When fork-lift-type machines are used to load, unload, or handle trailers, a positive means of holding the lifting attachment to the fork shall be installed and used.

(28) When dry land log dumps use unloading methods similar to those of water dumps, the safety standards for water dumps shall apply to dry land dumps.

(29) When logs are handled between the hours of sunset and sunrise or other periods of poor visibility, illumination shall be provided consistent with chapter 296-62 WAC, General Occupational Health Standards, pertaining to illumination.

(30) Air operated stake releases shall be in conformity with the following requirements:

(a) The air supply shall be taken from the "wet" air reservoir or from the accessory air line to a spring loaded, normally closed control valve.

(b) The control valve shall be located in the cab, positioned so that it is accessible only from the operator's position.

(c) The control valve shall be fitted with a spring loaded cover or be otherwise guarded against inadvertent operation.

(d) A separate air line shall extend from the control valve to the tractor and trailer stake release chambers. The air line shall be clearly identified or installed in such a manner as to preclude it from being mistaken for the service or emergency air line.

## NEW SECTION

### WAC 296-54-595 RAILROAD OPERATIONS.

(1) All persons employed in any service on trains or rail operations, which are not engaged in interstate commerce, are subject to and shall be conversant with all rules and special instructions.

(2) Employees must render every assistance in their power in carrying out these rules and special instructions and must report to the proper official any violation thereof.

(3) Accidents, detention of trains or speeders, failure in supply of fuel or water, defects in track, bridges, or signals, must be properly reported to the supervisor by the quickest possible method.

(4) Any logging railroad may maintain a special set of operating rules applicable to their operation, provided

that said rules are acceptable to the Division of Industrial Safety and Health, Department of Labor and Industries.

(5) Each logging railroad operation which has more than one self-propelled speeder, must have a dispatcher on duty. All equipment must receive clearance from dispatcher.

(6) Train crew size shall be dependent upon the number of persons needed to safely operate the train under all prevailing conditions; however, when necessary to set hand brakes, two or more persons shall be assigned to set the brakes and give signals.

(7) All locomotives shall be equipped with sanding devices for both rails, front and rear, in proper working order. Clean, dry sand should be used.

(8) Locomotives shall be equipped with power brakes (air or steam) on all driving wheels. Tenders also shall have power brakes.

(9) All locomotives and speeders, operating between sunset and sunrise or other periods of reduced visibility, shall be equipped with and use head lights which shine in the direction of travel. The lights shall be of sufficient candlepower so the train can be stopped within range of the light beam. Cab lights shall be provided and maintained so the operators can see from their required positions the gauges and equipment necessary for operation.

(10) All locomotives shall be equipped with proper grab irons, hand holds, steps, and running boards.

(11) All locomotives shall be equipped with automatic couplers, suitable for low or high draw-bars.

(12) On all rolling stock, wheels which have sharp or badly worn flanges, shall be replaced. Avoid the use of flat wheels.

(13) All locomotives with tender shall have an apron of proper length and width to insure safety and which shall be roughened to insure secure footing.

(14) Handholds and footboards shall be provided on locomotive cranes, except where cab overhangs end of car.

(15) Trains and speeders shall not exceed a safe speed.

(16) A terminal test of air brakes shall be made by trainmen before leaving the terminal. Enginemen shall not proceed until they are satisfied by brake action that brakes are able to control the train.

(17) All of the cars in a train shall have their brakes in good operating condition.

(18) On railroads where joint operations of two or more firms are necessary, trains shall not be dispatched less than fifteen minutes apart. Red lights shall be displayed on the rear of such trains at night or when visibility is poor.

(19) Whenever cars are left on grades, derailleurs shall be provided. Derail signs shall be placed near derailleurs. In setting out equipment, care shall be used in seeing that proper clearance is provided.

(20) Standard pressure for mountain grades requires a pressure of ninety pounds in train pipe, one hundred ten pounds in main reservoirs (low pressure) and one hundred thirty pounds in high pressure to insure quick releasing of brakes and recharging of auxiliaries. Engineer shall see that his engine carries these pressures and that

sanders, both forward and rear, are in working order. On all heavy grades the high pressure retaining valve must be used and before train is started from landing, a test of brakes must be made and piston travel adjusted, if necessary, and retaining valves put up. Engineer shall start train away from landing slowly, giving wheels a chance to roll before applying brakes and, to avoid skidding of wheels, using sand freely. Brakes should then be applied immediately and released, allowing the retaining valves to hold the train while train pipe and auxiliaries are being recharged. Train speed should be held to the required rate by setting and releasing brakes as it is necessary to control train.

(21) When it is necessary to leave loads on pass while switching a side, loads must be left close to derailler, air set and sufficient hand brakes set up, before cutting engine from train.

(22) Enginemen must see car or signalman when making couplings, giving trainmen ample time to align drawheads and open knuckles of coupler, especially on curves, except when using radios.

(23) Drawbars should not be aligned with the foot while cars or engines are in motion. Trainmen shall not climb between cars while in motion. Enginemen shall not drift too close to switches which are to be thrown. Position of switch points should always be observed after throwing switch. Switch lever should be pushed firmly into the notch before leaving the switch. No persons except trainmen, unless authorized, shall ride on engine foot-boards. No object shall be thrown from train or engine while in motion. Bell shall be rung or whistle blown, before moving locomotive.

(24) No equipment shall be pushed ahead of locomotive unless a brakeman is on head car in constant view of engineer or second brakeman in position to intercept and pass signal to engineer.

(25) In addition to air brakes, hand brakes must be provided on all cars and maintained in good working order.

(26) Hand brakes must be easily accessible to brakemen when cars are loaded. When wheels or staff brakes are used they should be placed on the side opposite the brow log at the dump to prevent their damage when cars are unloaded. All switch throws, walkways and cleared areas for brakemen shall be on the hand brake side.

(27) All brake hickies shall be made from three-fourths inch hexagon steel (high grade) and be twenty-four inches with a good claw on one end to fit the wheel and a knob on opposite end to prevent slipping from brakeman's hand.

(28) All railroad trucks and cars, where brakes are set by hand while in motion, shall have good footboards and toeboards on the brake end.

(29) A ten inch bunk block is recommended on all trucks to prevent logs from slipping over block.

(30) All cars other than logging trucks must have hand hold and foot steps to permit persons to get on and off easily and safely.

(31) All cars and trucks regularly operated must have automatic couplers.

(32) Locomotives and cabooses shall carry the following equipment:

- 1 Red Light (Lantern Type)
- 3 Red Flags
- At least 3 fuses

(33) When a train stops between telephones, or where the rear of a train extends beyond yard limits, the rear of the train must be properly protected.

(34) Whistle sign board shall be placed one thousand two hundred feet from each side of highway crossings.

(35) A rail clamp shall be placed to hold cars left on a grade on main line or spurs.

(36) All cars and trucks shall be legibly numbered so that those with defects may be reported and taken out of service. Each locomotive, speeder, or other self-propelled vehicles shall be numbered, or otherwise made readily identifiable.

(37) All cars used for hauling logs shall be equipped with patent stake bunks, or bunks with chock blocks and/or chains, so constructed that block can be released from opposite end of bunk unless solid stakes are used.

(38) All main line trains of more than ten loaded cars shall have a caboose at the rear of the train.

(39) All operations having both truck roads and railroads, shall post signs at intersections same as public crossings.

Engine whistle signals. The following engine whistle signals are established as standard and are taken from the American Association of Railroads. The signals prescribed are illustrated by "o" for short sounds and "-" for long sounds. Audible whistle shall be sounded when approaching camps, junctions, grade crossings and other prescribed places in conformity with the American Association of Railroads:

- One short..... (o) Stop, apply brakes.
- Two long..... (—) Release brakes.
- Three long..... (—) When running, train parted,  
to be repeated until answered
- Two short..... (oo) Answer to any signals not otherwise provided for.
- Three short..... (ooo) When train is standing back.
- Four short..... (oooo) Call for signals.
- Two long, two short... (— oo) Approaching highway crossing  
at grade.
- One long..... (-) Approaching station, rollway,  
chute, crossing, junctions, and  
derailers. When standing, air leak.
- Six long..... (————) Repeated at intervals, call  
for section men,  
train derailed.

One long, three short. (- ooo) Flagman to go back and protect  
rear of train.

Four long..... (——) Foreman.

Five long..... (——) Flagman to return from any direction.

Long, short..... (-o-o-o) Repeated four or more times,  
fire alarm.

Seven long, two short. (—— oo) Repeated, man hurt.

One long, one short... (-o) Repeated at intervals, closing down.

Groups of shorts repeated (ooooooo) Danger of runaway. Unnecessary use of whistle is prohibited.

NEW SECTION

WAC 296-54-597 RAILROAD MAINTENANCE—LOADING OR UNLOADING. (1) Track gangs, bridge crews, etc., when working on railroads in use shall place a yellow caution flag by day and a yellow lantern by night a sufficient distance both directions from the crew to protect them against approaching equipment. The operator of said equipment shall acknowledge the signal by two short blasts of the whistle or horn and proceed with caution.

When said crews are removing or replacing a rail or are performing any other work that would make it necessary for approaching equipment to come to a stop, they shall place a red flag by day and a red lantern by night in the center of the track a sufficient distance in both directions from the crew to protect them against said equipment. The operator of approaching equipment shall acknowledge the signal by one short blast of the whistle or horn and shall come to a dead stop and remain standing until the signal is removed by the person who placed it, or until investigation proves that the track is safe for passage. If a flagman is used, the above provision need not apply.

(2) Where clearance is scant, warning signs or signals shall be posted.

(3) Switch throws should be kept well oiled and targets and signs in good legible condition.

(4) Standard clearances shall be maintained at all points on the right of way except where necessarily restricted where loading or unloading operations are performed or at water tanks, fuel tanks, etc. Warning signs shall be posted at all such locations.

(5) Whenever workmen are repairing, working on or in railroad equipment, loading or unloading cars or performing other duties where there is danger of the railroad equipment being struck by other moving railroad equipment; proper means, methods or safeguards shall be used to protect such workmen. A derail shall be used to prevent other rail equipment from contacting such cars or equipment or endangering the workmen. After cars are spotted, blue flags shall be placed in the center of the tracks at least fifty feet from the end car during the day and blue lights shall be installed at such locations at night. Flags, lanterns and derails shall be removed only by the person placing them unless they are to remain posted for a longer period of time, in which

case one person on each oncoming shift shall be responsible to ascertain that they are in place and he shall not remove such safeguards until he investigates to make certain all persons are in the clear. Operators of approaching equipment shall not pass or remove a flag or lantern which is properly posted. Cars or other equipment shall not be placed where it will obscure the signal from an operator controlling approaching equipment.

#### NEW SECTION

**WAC 296-54-599 TRUCK AND EQUIPMENT MAINTENANCE SHOPS.** It is recognized that the usual hazards encountered in maintenance shops performing work on logging and related equipment would be very similar to those found in general repair, machine or welding shops; therefore, the rules contained in the General Safety and Health Standards and other applicable safety standards promulgated and administered by the Department of Labor and Industries shall apply to such places of work.

#### NEW SECTION

**WAC 296-54-601 SIGNALS AND SIGNAL SYSTEMS.** (1) Standard hand or whistle signals as described or illustrated herein, shall be used for the movement of rigging, logs, or equipment when using a high lead, slackline, or cable skidder system for yarding. For Hand Signal illustrations, see Figure 4.

(2) Voice communications may be used for yarding under the following conditions:

(a) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a grapple type logging system, providing no person is in a hazardous area near live rigging.

(b) Voice communication may be used to instruct the yarder operator when picking up an occasional log with the use of a choker on a grapple system, providing the grapple is on the ground prior to the setting of the choker and that no lines are moved by the operator until the person setting the choker has returned to a safe location away from any running lines. At no time shall chokers be used on the grapple system during the hours of darkness or during periods of reduced visibility to such extent that the yarder operator cannot clearly see the workmen setting the choker. When a number of logs are required to be yarded by using chokers instead of the grapple, the requirements specified for high lead type of logging shall apply.

(c) Voice communications by use of radio frequencies may be used to transmit instructions and directions to the yarder operator when using a balloon system for yarding. The person operating the radio shall ascertain that all crew members are in the clear before transmitting instructions which would cause any line or turn to move. The person giving such instructions shall keep the crew members informed as to which movements will commence. The whistle shall be blown before moving any running line.

(d) At the conclusion of the voice transmission, the caller shall give the radio signal system permit number issued by the Department of Labor and Industries.

(3) Voice communications on the same radio frequencies used to transmit skyline, highlead, slackline, or skidder whistle signals (154.57 and 154.60 MHz Channels), shall be prohibited.

**NOTE:** If voice is received on 154.57 or 154.60 MHz Channels, it is recommended the Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, P.O. Box 207, Olympia, Washington 98504, (Phone 206/753-6500) be contacted as soon as possible to enable the department to ascertain the source of the voice transmission.

(4) If a standard signal is not listed for an unusual or new situation, a hand or whistle signal other than any listed for the type of yarding being done may be used for the specific situation only. Any special signals so developed shall be understood by all persons required to work in the area which may be affected by their use.

(5) A copy of the standard hand and whistle signals shall be posted on the yarder and at places where crews congregate. For tractor logging operations, hand signals shall be posted at places frequented by the crew members such as in crew buses, etc.

(6) Only one workman in any crew shall give signals at the point where chokers are being set. Any person is authorized to give a stop signal when a workman is in danger or other emergency condition is apparent.

(7) Hand signals are permitted only when the signal person is in plain sight of and within three hundred feet of the machine operator and when visibility is such that the signals are discernible. Hand signals may be used at any time as an emergency stop signal.

(8) Throwing of any type of material as a signal is prohibited.

(9) The use of a jerk wire signal system for any type of yarding operation is prohibited.

(10) All persons shall be in the clear before any signal is given to move the rigging, logs, or turns, and movement of rigging, logs, or turns shall not commence until after the proper signals have been given.

(11) Machine operators shall not move any line unless the signal received is clear and distinct. If in doubt, the operator shall repeat the signal as understood and wait for confirmation.

(12) A horn or whistle which is automatically activated by the radio or electric signaling system shall be used on each yarder used for skyline, high lead, skidder or slackline system of yarding, except where hand signals are permissible. The horn or whistle shall emit a sound which will be clearly audible to all persons in the affected area. Such a horn or whistle shall also be required on combination yarding and loading machines and tree pullers. Audible signals are not necessary on grapple or other yarding systems where persons are not exposed to the movement of logs or rigging.

(13) Each unit of the signal or control system in use, shall be tested daily before operations begin. Audible

signals used for test purposes shall not include signals used for the movement of lines or materials.

(14) Citizen band (CB) radios shall not be used to activate any signal, machine, or process, either automatically or by voice. This shall not prohibit the use of CB radios for communication between sides, vehicles, work units, or for emergency situations.

(15) When audible whistle signals are being used simultaneously by yarding and loading machines at a landing, signal whistle or horn tones used in connection with machine movements shall be so differentiated as to distinctively identify any intended work movement of either machine.

#### NEW SECTION

WAC 296-54-603 **ELECTRIC SIGNAL SYSTEMS.** (1) Where an electrical signal system is used, all wire and attachments shall be of the weatherproof type and all connections shall be weatherproof.

(2) Electric signal systems shall be properly installed and adjusted. They shall be protected against accidental signaling and shall be maintained in good operating condition at all times. Sufficient signal wire shall be provided to enable good voice contact between the whistle punk and rigging crew at all times.

#### NEW SECTION

WAC 296-54-605 **RADIO SYSTEMS USED FOR VOICE COMMUNICATION, ACTIVATION OF AUDIBLE SIGNALS, OR EQUIPMENT.** (1) Every employer who uses a radio signaling or control system (voice or functions) shall comply with or exceed the minimum requirements specified in this section.

(2) A valid operating permit shall be obtained by the owner from the Division of Industrial Safety and Health, Department of Labor and Industries, prior to putting into use any radio signaling or control system (voice or functions) intended to be used in conjunction with any type of cable logging operation. Permits will be issued only for systems licensed for such use and using those carrier frequencies as authorized by the Federal Communications Commission. In addition, permits will be granted only when tone or function frequencies are compatible with other radio systems in use and when in compliance with all other applicable requirements contained in this safety standard.

(3) The Division of Industrial Safety and Health reserves the right to designate the use of radio frequencies for certain purposes or functions, for example, certain frequencies may be used for voice transmission of instruction, others for tone coded functions, or activation of signaling devices. No single tone sets shall be permitted for logging purposes. The division may also designate which tone frequencies may be used for the activation of a signaling device or for control of equipment on certain federal communication assigned carrier frequencies.

(4) A list of tone frequencies which may be used with any Federal Communications Commission assigned carrier frequencies will be made available by the Division of Industrial Safety and Health to any interested person, firm, or corporation upon request.

(5) The Division of Industrial Safety and Health shall assign the area or areas in which a radio signaling system may be used and shall so mark on the permit. Radio signaling systems shall not be used in any area other than indicated on the permit. (See Figure 16 for map of areas.)

(6) The person or firm name on the permit shall be the same as the person or firm operating the radio signaling system except for loaner or rental sets. A person or firm using a loaner or rental set shall be responsible for the radio signal system as if they were the owner of the set. The application for a permit to use a radio signaling system shall contain the following information:

(a) Name and address of applicant.

(b) The radio frequencies of the radio signaling device in MHz.

(c) The tone frequency or frequencies of the radio signaling system used to activate a horn, whistle, or control equipment in Hz. The security gate, or pulse tone, shall be shown first.

(d) The name of the manufacturer of the radio signaling system.

(e) The serial number of the receiving unit.

(f) The state assigned area or location in which the unit will operate.

(g) Indicate type of signaling used.

(h) From whom the system was purchased or acquired, and the date of acquisition of the system.

(i) Intended use and function of system.

**NOTE:** See Sample Form No. 157, "Application for Permit to Operate Radio Signal System in Designated Area," Figure 10 following this section.

(7) The permit granted by the department shall be attached to the case of the receiver of the radio signaling system for which it is granted.

**NOTE:** See sample S.F. Form No. 158, "Permit to Operate Multi-Tone Radio Signal System in Designated Area," Figure 11 following this section.

(8) Each radio receiver shall have its radio carrier frequency in MHz and tone frequency(s) in Hz indicated on the outside case of the receiver. The manufacturer's name and serial number shall also be permanently indicated on the outside of the case. When the duration or width of the tone frequencies performs a function, the one duration/width shall also be permanently indicated on the outside of the receiver case. Each transmitter shall be identified with its receiver. Two or more receivers in operation simultaneously on the same tone frequency shall be prohibited.

(9) It shall be the responsibility of the owner of any radio signaling system to notify the Division of Industrial Safety and Health, Department of Labor and Industries, immediately, if the signal system is:

(a) Permanently retired (in what manner and date retired).

(b) Sold (submit name and address of purchaser and date sold).

(c) Removed from the state (name of state to which moved and date moved).

(d) Stolen (date).

(10) Two operable transmitters shall be carried by separate individuals at the point where chokers are being set at all times when transmitters are being used for tone signaling by persons around the live rigging in the choker setting area. Only one radio transmitter shall be required if in the possession of a signalperson who has no other duties and remains in an area where there are no hazards created by the moving rigging or logs. If the total crew consists of a yarder operator and one person in the rigging, only one transmitter is required provided a positive system is instituted and used to check on the well-being of the person in the rigging.

(11) When interference, overlap, fadeout, or blackout of radio signals is encountered, the use of the device shall be discontinued immediately. The use of the device shall not be resumed until the source of trouble has been detected and corrected.

(12) All radio signaling systems put into use for the first time after the effective date of these safety standards, shall meet or exceed the minimum performance specifications contained in WAC 296-54-607 of these safety standards, and, when altered or repaired, shall continue to meet such specifications.

(13) At least one make and model of each signaling system shall be tested and certified that it meets or exceeds the minimum requirements for performance as specified in WAC 296-54-607. A copy of such performance report shall be signed by the person or persons who tested the unit or components and shall be sent to the Division of Industrial Safety and Health, Department of Labor and Industries, P.O. Box 207, Olympia, Washington 98504.

(14) Radio equipment shall not be used without displaying a permit as required by this standard. The permit shall be prominently displayed on the outside case of the receiver of the unit or, for radio controlled carriages, on the transmitter in the yarder.

(15) Adjustments, repairs, or alterations of radio signaling devices shall be done only by or under the immediate supervision and responsibility of a person holding a first-class or second-class commercial radio operator's license, either radio-telephone or radio-telegraph, issued by the Federal Communications Commission. Persons who do not possess the technical ability or do not have the proper equipment to cause the signaling systems to function within required tolerances shall not attempt to repair, alter, or adjust such systems.

(16) Radio frequencies assigned to systems for which voice communications may be used to give signals to the yarder operator, shall not be the same frequencies as those assigned for whistle signals used in skyline, highlead, slackline, or cable skidder systems.

(17) When hazardous interference is created by moving a voice communication system into an area where a system is already in use on the same frequency, use of the newly-moved system shall be immediately discontinued until the problem of interference has been corrected.

(18) Before moving any unit from one assigned geographical area to another (see area map, Figure 12 following this section), a new permit shall be applied for and secured from the Division of Industrial Safety and Health, Department of Labor and Industries, P.O. Box 207, Olympia, Washington 98504.

Form No. 157.

5-71

STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES DIVISION OF SAFETY

APPLICATION FOR PERMIT
TO OPERATE RADIO SIGNAL SYSTEM IN DESIGNATED AREA

Radio Carrier Frequency..... Serial No.....
Tone Coding Frequency..... Hz..... Name of Manufacturer of Signal System.....
Firm Name..... Address..... By.....
Intended Function of Unit: Voice communication [ ] Whistle signal [ ] Control Equipment [ ]
Area in which Unit will be Operated:..... 1 [ ] ..... 2 [ ] ..... 3 [ ]
Type of Tone: Sequential [ ] Simultaneous [ ] If other specify type.....
System to be Used For: Grapple [ ] Skyline, Highlead, Slackline, Skidder [ ] Balloon [ ]
Date System Purchased or Acquired: Day..... Month..... Year.....
Date Application Mailed to Division of Safety Day / Mo. / Year

Date Permit Issued Day / Mo. / Year
DIV. OF SAFETY USE ONLY



Figure No. 10

STATE OF WASHINGTON
DEPT. OF LABOR & INDUSTRIES DIV. OF SAFETY

PERMIT #

TO OPERATE MULTI-TONE RADIO SIGNAL SYSTEM
IN DESIGNATED AREA.

Model ..... Serial .....

Carrier Frequency ..... MHz

Tones ..... Hz

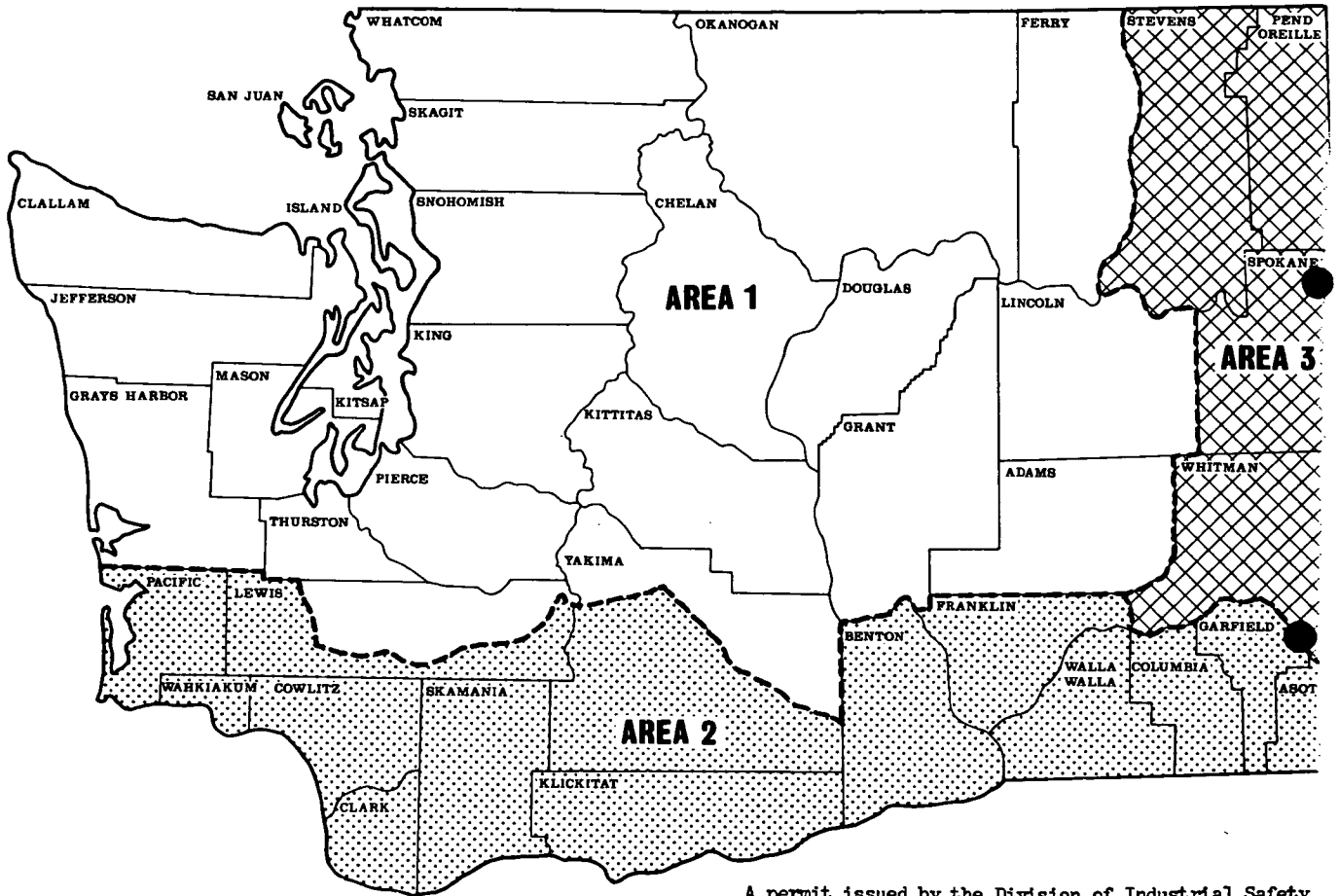
AREA

Firm Name .....

Issued by .....

S. F. No. 158-12-71-25C. 38416.

AREAS FOR USE OF RADIO SIGNALING SYSTEMS FOR LOGGING OPERATIONS



State of Washington  
Department of Labor and Industries  
Division of Industrial Safety and Health

A permit issued by the Division of Industrial Safety Health shall be attached to the outside of the receipt which shall indicate the area in which the radio signaling equipment may be used.



NEW SECTION

WAC 296-54-607 RADIO SIGNAL SYSTEMS—SPECIFICATIONS AND TEST PROCEDURES. All radio-signaling systems put into use for the first time after the effective date of these rules shall meet or exceed the following requirements, specifications, tolerance, and tests and such systems, when altered or repaired, shall meet the same minimum requirements.

(1) Radio-signaling systems used to transmit whistle signals or control functions of equipment associated with skyline, highlead, slackline, or cable skidder systems of logging shall transmit and decode only by the use of authorized multi-tone frequencies. Only sequential tones may be used to transmit signals or control equipment when utilizing carrier frequencies of 154.57 or 154.60 MHz.

(2) The receiver sensitivity shall be capable of attaining .6 microvolt, or greater, for 12 db SINAD ratio for VHF frequencies and .7 microvolt, or greater, for UHF frequencies. Effective January 1, 1984, all radio systems receiver sensitivity shall be capable of attaining .4 microvolt, or greater, for 12 db SINAD ratio for VHF frequencies and .5 microvolt, or greater, for UHF frequencies. When interference is a factor, the receiver may be desensitized in the furtherance of safety by a person qualified in accordance with WAC 296-54-605(15).

(3) The receiver spurious attenuation shall be at least 40 db when measured by the 20 db quieting method. On all new radio systems put into service after the effective date of these standards, the receiver spurious attenuation shall be at least 60 db when measured by the 20 db quieting method. Effective January 1, 1984, all new radio signal systems shall be required to have receiver spurious attenuation of at least 70 db when measured by the 20 db quieting method and shall have image response attenuation of 60 db when measured by the 20 db quieting method. Effective January 1, 1989, all radio signal systems shall be required to have receiver spurious attenuation of at least 70 db when measured by the 20 db quieting method and image response attenuation of 60 db when measured by the 20 db quieting method.

**NOTE:** Spurious response attenuation is a measure of the receiver's ability to discriminate between a desired signal to which it is resonant and an undesired signal at any other frequency to which it is also responsive.

(4) The receiver selectivity shall be more than 40 db plus or minus 30 KHz. All new radio signal systems put into service after the effective date of these standards, the receiver selectivity shall be at least 60 db plus or minus 30 KHz. Effective January 1, 1984, all new radio signal systems purchased and used shall have receiver selectivity of at least 80 db plus or minus 30 KHz. Effective January 1, 1989, all radio signal systems shall have receiver selectivity of at least 80 db plus or minus 30 KHz, when measured by the E.\*I.A. SINAD method.

(5) The receiver-decoder tone frequency stability shall not exceed .006 (.6%) above or below the assigned tone frequency.

(6) The drift of a transmitter-encoder tone shall not exceed .006 (.6%) above or below the assigned tone frequency.

(7) Parts of the radio-signaling system affected by moisture, which may be subjected to the entrance of moisture during use, shall be weatherproofed. Transmitters shall be tested within fifteen minutes after being subjected to the following conditions and shall have the ability to continue functioning properly. The transmitter and receiver shall be placed in a humidity chamber for eight hours where the humidity has been maintained at not less than ninety percent and where a 40°C. temperature has been maintained.

(8) Radio-signaling system units shall operate within tolerances specified at any temperature within the range of -30°C. to +60°C.

(9) Switches of transmitters used to send whistle signals or activate equipment associated with high lead, slackline, or cable skidder systems of logging shall be designed in such a manner whereby two buttons, motions or a combination of these shall be required simultaneously to cause activation of the system. Arrangement of the activating switches shall be such that the operator can transmit signals easily but cannot easily activate a control or command function accidentally.

(10) All receivers intended to be mounted on or in the yarder or similar equipment, and all portable transmitters, shall continue to maintain specified mechanical and electrical performance during and after being subjected to vibration of the magnitude and amplitude as follows:

The equipment shall be vibrated with simple harmonic motion having an amplitude of 0.015" (total excursion 0.03") with the frequency varied uniformly between 10 and 30 Hz and an amplitude of 0.0075" (total excursion 0.015") with the frequency varied uniformly between 30 and 60 Hz. The entire cycle of frequencies for each group (i.e., 10 to 30 cycles and 30 to 60 cycles) shall be accomplished in five minutes and repeated three times. The above motion shall be applied for a total period of thirty minutes in each direction, namely, the directions parallel to both axes of the base and perpendicular to the plane of the base.

(11) All portable transmitters shall continue to maintain specified mechanical and electrical performance after being subjected to a shock test as follows:

The equipment shall be dropped once on each of five surfaces from a height of four feet onto a smooth concrete floor.

(12) Transmitters operating on carrier frequencies of 154.57 MHz and on 154.60 MHz shall be limited on maximum power output not to exceed 500 mW measured at the antenna terminals.

(13) To minimize the possibility of interference with other signaling systems, the input power of transmitters operating in the 450 MHz range should be limited to only the amount needed to transmit to the receiver of the system effectively.

REPEALER

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

- (1) WAC 296-54-001 SCOPE AND APPLICATION.
- (2) WAC 296-54-003 WAIVER AND VARIANCE.
- (3) WAC 296-54-010 DEFINITIONS OF TERMS USED IN THE LOGGING STANDARDS FOR THE PURPOSE OF THIS CHAPTER.
- (4) WAC 296-54-020 INTRODUCTION.
- (5) WAC 296-54-030 MANAGEMENT'S RESPONSIBILITY.
- (6) WAC 296-54-040 EMPLOYEE'S RESPONSIBILITY.
- (7) WAC 296-54-051 SAFETY EDUCATIONAL AND FIRST AID REQUIREMENTS.
- (8) WAC 296-54-052 GENERAL REQUIREMENTS.
- (9) WAC 296-54-130 CAMPS.
- (10) WAC 296-54-140 RAILROAD AND TRUCK ROAD CONSTRUCTION AND MAINTENANCE—RAILROADS.
- (11) WAC 296-54-150 TRUCK ROADS.
- (12) WAC 296-54-160 TRANSPORTATION OF CREWS—GENERAL REQUIREMENTS.
- (13) WAC 296-54-170 TRANSPORTATION OF CREWS BY USE OF SPEEDERS AND TRAILERS.
- (14) WAC 296-54-180 TRANSPORTATION OF CREWS BY MOTOR VEHICLES.
- (15) WAC 296-54-185 METHODS OF CREW TRANSPORTATION OTHER THAN THOSE SPECIFIED.
- (16) WAC 296-54-190 RIGGING.
- (17) WAC 296-54-195 ADDITIONAL REQUIREMENTS FOR PORTABLE SPARS AND BOOM TYPE YARDING AND LOADING MACHINES.
- (18) WAC 296-54-200 YARDING.
- (19) WAC 296-54-210 TRACTOR LOGGING.
- (20) WAC 296-54-215 CANOPY GUARDS, BARRICADES, SEAT BELTS, SCREENS AND OTHER ITEMS REQUIRED FOR INDUSTRIAL EQUIPMENT.
- (21) WAC 296-54-216 ROLL-OVER PROTECTIVE STRUCTURES AND OVERHEAD PROTECTION.
- (22) WAC 296-54-217 BRAKING SYSTEMS FOR TRACTORS AND OTHER MOBILE EQUIPMENT.
- (23) WAC 296-54-218 EMERGENCY STEERING.
- (24) WAC 296-54-220 LOG LOADING.
- (25) WAC 296-54-230 LINES, BLOCKS AND SHACKLES.
- (26) WAC 296-54-240 YARDING, LOADING AND SKIDDING UNITS
- (27) WAC 296-54-260 FALLING-BUCKING.
- (28) WAC 296-54-270 MOVING MACHINES.
- (29) WAC 296-54-280 GENERAL REQUIREMENTS.
- (30) WAC 296-54-281 WATER DUMPS.
- (31) WAC 296-54-282 BOOM AND RAFTING GROUNDS.

- (32) WAC 296-54-284 DRY LAND SORTING AND STORAGE.
- (33) WAC 296-54-286 BOATS AND MECHANICAL DEVICES ON WATER.
- (34) WAC 296-54-290 ELECTRICAL LOGGING EQUIPMENT.
- (35) WAC 296-54-300 EXPLOSIVES.
- (36) WAC 296-54-310 RAILROAD OPERATIONS.
- (37) WAC 296-54-320 RAILROAD MAINTENANCE, LOADING OR UNLOADING.
- (38) WAC 296-54-330 MOTOR TRUCK LOG TRANSPORTATION.
- (39) WAC 296-54-335 STATIONARY LOG TRUCK TRAILER LOADING.
- (40) WAC 296-54-340 MAINTENANCE SHOPS.
- (41) WAC 296-54-350 SIGNALS AND SIGNAL SYSTEMS.
- (42) WAC 296-54-360 SKIDDER WHISTLE SIGNALS.
- (43) WAC 296-54-370 SLACKLINE WHISTLE SIGNALS.
- (44) WAC 296-54-380 HIGH LEAD LOGGING WHISTLE SIGNALS.
- (45) WAC 296-54-392 ELECTRIC SIGNAL SYSTEMS.
- (46) WAC 296-54-393 RADIO SYSTEMS USED FOR VOICE COMMUNICATIONS, ACTIVATION OF AUDIBLE SIGNALS OR EQUIPMENT.
- (47) WAC 296-54-39301 FORM NO. 157—APPLICATION FOR PERMIT TO OPERATE RADIO SIGNAL SYSTEM IN DESIGNATED AREA.
- (48) WAC 296-54-400 RADIO-SIGNALING SYSTEMS—MINIMUM REQUIREMENTS.

**WSR 79-10-082**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1433—Filed September 21, 1979]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington the annexed rules relating to reregistration and reacceptance to WIN, amending WAC 388-57-064.

This action is taken pursuant to Notice No. WSR 79-08-040 filed with the code reviser on 7/19/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.22.110 which directs that the secretary of the Department of Social and Health Services has authority to implement the provisions of chapter 74.22 RCW.

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

APPROVED AND ADOPTED September 19, 1979.  
By N. Spencer Hammond  
Executive Assistant

AMENDATORY SECTION (Amending Order 1165, filed 10/27/76)

WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN WITHOUT GOOD CAUSE—REREGISTRATION AND REACCEPTANCE TO WIN. (1) An individual who has been deregistered because of failure to accept employment or to participate in the WIN program without good cause may again register for WIN, provided ~~((90 days have))~~ the sanction period set by DES has elapsed since deregistration and the individual has given evidence to ~~((employment security))~~ DES of willingness to participate.

(2) ~~((An individual who has been reaccepted into the work incentive program after termination without good cause and who is subsequently terminated for refusal to accept employment or to participate in the work incentive program without good cause shall not be registered for or reaccepted in the work incentive program unless he has given satisfactory evidence to employment security of willingness to participate and six months have elapsed since the effective date of the latest deregistration.~~

~~((3))~~ Reacceptance in the work incentive program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or other participants.

~~((4))~~ (3) Reacceptance may also be denied where ~~((employment security))~~ DES determines that the individual's ~~((60))~~ sixty-day counseling was not successful and that readmission would be disruptive to the orderly administration of the activity.

**WSR 79-10-083**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1434—Filed September 21, 1979]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to

- Amd WAC 388-28-530 Net cash income—Board, room rental, board and room.
- Amd ch. 388-29 WAC AFDC and GAU—Eligibility—Standards of assistance.
- Amd WAC 388-42-150 Maximum cost standards for funeral director's services and burial or cremation services.

This action is taken pursuant to Notice No. WSR 79-08-028 filed with the code reviser on 7/13/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED September 19, 1979.  
By N. Spencer Hammond  
Executive Assistant

AMENDATORY SECTION (Amending Order 1344, filed 9/22/78)

WAC 388-28-530 NET CASH INCOME—BOARD, ROOM RENTAL, BOARD AND ROOM. (1) The net income from operating a rooming, boarding, or boarding and rooming home shall be computed as follows effective July 1, ~~((1978))~~ 1979:

(a) Boarder - The board payment received minus ~~((54))~~ \$61,

(b) Roomer - The room rental received minus ~~((5))~~ \$5.50,

(c) Boarder and roomer - The board and room payment received minus ~~((59))~~ \$66.50.

(2) If a recipient is engaged in the management and operation of a rooming, boarding or boarding and rooming home, the net income as computed in accordance with subsection (1) is considered earned income to that recipient.

(3) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)

WAC 388-29-100 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) The statewide monthly standards for food, clothing, personal maintenance and necessary incidentals, household maintenance and shelter for those owning (including life estate), buying or renting an apartment or house shall be:

Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	<del>((200))</del> \$220	<del>((12))</del> \$13	<del>((212))</del> \$233
2	<del>((277))</del> 305	<del>((31))</del> 34	<del>((308))</del> 339
3	<del>((348))</del> 383	<del>((27))</del> 30	<del>((375))</del> 413
4	<del>((412))</del> 453	<del>((27))</del> 30	<del>((439))</del> 483
5	<del>((476))</del> 523	<del>((27))</del> 30	<del>((503))</del> 553
6	<del>((540))</del> 593	<del>((27))</del> 30	<del>((567))</del> 623
7	<del>((604))</del> 663	<del>((27))</del> 30	<del>((631))</del> 693
8	<del>((668))</del> 733	<del>((27))</del> 30	<del>((695))</del> 763
9	<del>((732))</del> 803	<del>((27))</del> 30	<del>((759))</del> 833
10	<del>((796))</del> 873	<del>((27))</del> 30	<del>((823))</del> 903
11	<del>((860))</del> 943	<del>((27))</del> 30	<del>((887))</del> 973
12	<del>((924))</del> 1,013	<del>((27))</del> 30	<del>((951))</del> 1,043
13	<del>((988))</del> 1,083	<del>((27))</del> 30	<del>((1015))</del> 1,113
14	<del>((1052))</del> 1,153	<del>((27))</del> 30	<del>((1079))</del> 1,183
15	<del>((1116))</del> 1,223	<del>((27))</del> 30	<del>((1143))</del> 1,253
16	<del>((1180))</del> 1,293	<del>((27))</del> 30	<del>((1207))</del> 1,323
17	<del>((1244))</del> 1,363	<del>((27))</del> 30	<del>((1271))</del> 1,393
18 or more	<del>((1308))</del> 1,433	<del>((27))</del> 30	<del>((1335))</del> 1,463

(2) Deleted

(3) Household with supplied shelter.

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

Recipients in household— all counties

1	(( <del>\$130</del> ))	\$143
2	(( <del>189</del> ))	208
3	(( <del>251</del> ))	276
4	(( <del>313</del> ))	344
5	(( <del>377</del> ))	412
6	(( <del>438</del> ))	480
7	(( <del>498</del> ))	548
8	(( <del>560</del> ))	616
9	(( <del>621</del> ))	684
10	(( <del>682</del> ))	752
11	(( <del>744</del> ))	820
12	(( <del>806</del> ))	888
13	(( <del>868</del> ))	956
14	(( <del>929</del> ))	1,024
15	(( <del>991</del> ))	1,092
16	(( <del>1054</del> ))	1,160
17	(( <del>1114</del> ))	1,228
18 or more	(( <del>1176</del> ))	1,296

(4) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS FOR BASIC REQUIREMENTS. (1) Grants to families of 7 or more shall not exceed the following maximums. In computing the grant amount non-exempt income and resources which are available to meet need shall be deducted from the monthly standard specified in WAC 388-29-100.

	Number of recipients in household					
	7	8	9	10	11	12
Maximum	(( <del>\$631</del> ))	(( <del>\$664</del> ))	(( <del>\$695</del> ))	(( <del>\$724</del> ))	(( <del>\$751</del> ))	(( <del>\$776</del> ))
	\$694	\$727	\$758	\$787	\$814	\$839
	13	14	15	16	17	18
Maximum	(( <del>\$799</del> ))	(( <del>\$820</del> ))	(( <del>\$839</del> ))	(( <del>\$856</del> ))	(( <del>\$871</del> ))	(( <del>\$884</del> ))
	\$862	\$883	\$902	\$919	\$934	\$947

(2) These standards are effective July 1, 1979.

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

WAC 388-29-125 COST STANDARDS FOR REQUIREMENTS—PERSONS IN MEDICAL INSTITUTION. (1) The monthly cost standard for clothing, personal maintenance and necessary incidentals for a person eligible for AFDC, supplemental security income or the "H" medical care program who is in a skilled nursing home, a public nursing home, a general or tuberculosis hospital or an intermediate care facility shall be ((~~\$25.00~~)) \$32.50.

(2) The monthly cost standard for clothing, personal maintenance and necessary incidentals for a person eligible for continuing general assistance who is in an institution specified in subsection (1) shall be ((~~\$25.00~~)) \$32.50.

(3) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1379, filed 3/22/79)

WAC 388-29-130 COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE CARE FACILITY. (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Congregate care facility residents who receive SSI or GAU benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance and necessary incidentals and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

(3) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be ((~~\$25.00, except that for a resident converted to the SSI program on January 1, 1974, the standard shall be \$27.30. This amount includes the monthly allowance of \$4.20 which is applicable to a resident on the date of conversion~~)) \$32.50.

(4) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE. (1) The payment standard for a recipient of AFDC residing in a maternity home shall be ((~~\$426.45~~)) \$457.80 per month, ((~~including \$28.95~~)) which includes \$32.50 for clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective July 1, 1979.

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

WAC 388-29-145 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING. (1) A child attending school under temporary absence provisions according to WAC 388-24-125(3)(b) is eligible for clothing and personal maintenance and necessary incidentals only. The monthly standard shall be ((~~\$27.45~~)) \$32.50. The child shall not be included as a member of the household in computing the requirements for the household.

(2) These standards are effective July 1, 1979.

AMENDATORY SECTION (Amending Order 1321, filed 7/28/78)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC

**CIRCUMSTANCES—RESTAURANT MEALS.** (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be ~~((\\$65.80))~~ \$72.40.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-170 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—DAILY RESTAURANT MEALS.** (1) The standard for emergency restaurant meals shall be ~~((\\$3.50))~~ \$3.85 per day.

(2) The daily restaurant meal standard shall be used only when such assistance is required pending full determination of eligibility, or for temporary assistance of a week or less. The emergency standard shall be used not to exceed one week within a thirty-day period. When need for restaurant meals continues beyond one week, the standard in WAC 388-29-160 shall be used.

(3) The emergency restaurant meal allowance is a subsistence standard and does not provide adequate nutrition for a prolonged period.

(4) These standards are effective July 1, 1979.

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

**WAC 388-29-180 HOME DELIVERED MEALS (MEALS-ON-WHEELS).** (1) For some recipients who cannot be expected to prepare all of their own meals, prepared and home delivered meals may be available.

(2) Where a ~~((local office))~~ CSO approved home delivery service of prepared meals is available recipients who need and would benefit from such service should be encouraged, authorized and assisted, if necessary, to obtain it.

(3) Standards and criteria used to authorize the service are as follows:

(a) The recipient requires help in preparation of some of his meals and would benefit nutritionally or otherwise from home delivered meals,

(b) Such help is not reasonably available without cost to the recipient,

(c) Board (or board and room) is not feasible or possible for the recipient,

(4) When a plan for use of this service is approved by ~~((local office))~~ the CSO, the cost standard to be used for the total food requirement of the recipient using the service shall be established by the department's office of economic services at the ~~((local office's))~~ CSO's request.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG.** (1)

The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him by an accredited guide dog organization. The cost standard for food for a guide dog shall be ~~((\\$21.15))~~ \$23.25.

(2) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY.** (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his laundry, and

(b) He has no one able to perform this service for him.

(2) The monthly cost standard for laundry shall be ~~((\\$5.75))~~ \$6.35.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE.** (1) The standard for board and room shall be ~~((\\$145.50))~~ \$160.00 per month or ~~((\\$4.78))~~ \$5.26 per day.

(2) The monthly standard for clothing and ~~((person))~~ personal maintenance and necessary incidentals shall be ~~((\\$25.00))~~ \$27.50.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1321, filed 7/28/78)

**WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS.** ~~((The monthly cost standards for the grant requirements of an adult receiving approved care in an adult family home are:~~

~~(1) \$255.15 a month for room, board, laundry, personal and social care and nursing care as appropriate or required, or~~

~~(2) \$223.35 a month for room, board, laundry, personal and social care and necessary supervision, and~~

~~(3) \$25 for clothing and personal maintenance and necessary incidentals.))~~

(1) The cost standard for adult family home care shall be the rate established by the department for payment to the adult family home sponsor.

(2) The monthly cost standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be \$32.50.

(3) These standards are effective July 1, 1979.

**AMENDATORY SECTION** (Amending Order 1393, filed 5/8/79)

**WAC 388-29-155 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR EMPLOYED PERSONS.** (1) The expense of

child care shall be authorized as an additional requirement only when financial services has determined the care is necessary due to employment and there is no one reasonably available to perform such service without cost, except that child care expenses for employed WIN participants shall be authorized as specified in WAC 388-57-057.

(2) The cost allowed for child care shall be the most reasonable which can be obtained for the type of care required.

(a) Out-of-home day care

(i) An additional requirement shall be authorized for licensed out-of-home day care. Licensure is not required of those persons exempted in RCW 74.15.020.

(ii) Recipients utilizing unlicensed out-of-home day care will be given thirty days to obtain appropriate care. Such thirty-day period shall begin on the date the client is given written notice of this requirement. Payment will not be withheld from (~~recipient's~~) recipients whose out-of-home day care provider has made application for licensure.

(iii) The part-time payment standard for day care of less than seven hours per day shall be (~~97-cents~~) \$1.04 per hour for each child.

(iv) The full-time payment standard for day care of seven hours or more per day shall be (~~\$6.79~~) \$7.27 per day for each child.

(b) In-home child care

(i) The payment standard for in-home care shall be (~~97-cents~~) \$1.04 per hour for the care of three children or less in the family, or (~~\$1.26~~) \$1.35 per hour for care of four or more children in the family.

(ii) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(3) No payments shall be allowed for child care provided by the child's parent or stepparent.

(4) The payment standards in subsection (2)(a) and (b) of this section may be exceeded provided that the actual rate is the least expensive rate available to the client, for the type of care required.

(5) Payment based upon the rate incurred through an enrollment contract can be made provided that:

(a) The requirements in subsection (4) of this section are met; and

(b) No other noncontractual child care is reasonably available to the client; and

(c) Any absence in excess of two days per month is attributable to illness.

(6) "Enrollment contract" shall be defined as a legally binding written agreement between a client and a day care facility in which fees are set on the basis of the child's registration for attendance in the facility.

(7) These rules shall be effective (~~March~~) July 1, 1979.

AMENDATORY SECTION (Amending Order 1340, filed 9/22/78)

WAC 388-42-150 MAXIMUM COST STANDARDS FOR FUNERAL DIRECTOR'S SERVICES AND BURIAL OR CREMATION SERVICES. (1)

Funeral director's services—Actual charges, but not to exceed

(a) Minimum service

Adult or older child (casket 5 feet or larger) ((~~\$203~~))  
\$217

Child (casket 2 feet 6 inches, less than 5 feet) ((~~\$158~~))  
\$169

Child (casket less than 2 feet 6 inches) ((~~\$76~~))  
\$ 81

(b) Regular service

Adult or older child (casket 5 feet or larger) ((~~\$464~~))  
\$496

Child (casket 2 feet 6 inches, less than 5 feet) ((~~\$195~~))  
\$209

Child (casket less than 2 feet 6 inches) ((~~\$76~~))  
\$ 81

(2) Burial or cremation services

(a) Burial only ((~~\$208~~))

\$223

Burial in grave of another ((~~\$208~~))

\$223

Burial with lot included ((~~\$235~~))

\$251

(b) Cremation only ((~~\$208~~))

\$223

Cremation with burial place included ((~~\$215~~))

\$230

(3) These standards include all applicable taxes.

(4) These standards shall be effective July 1, (~~1978~~) 1979.

**WSR 79-10-084**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1435—Filed September 21, 1979]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Fraud disqualification, chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 79-08-048 filed with the code reviser on 7/20/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 19, 1979.  
By N. Spencer Hammond  
Executive Assistant

## NEW SECTION

### WAC 388-54-826

### FRAUD

#### DISQUALIFICATION—ADMINISTRATIVE

**FRAUD HEARING DETERMINED.** (1) Fraud disqualification penalties. These rules are effective July 1, 1979. Individuals found to have committed fraud through an administrative fraud hearing shall be ineligible to participate in the program for three months. Individuals found guilty of criminal or civil fraud by a court of appropriate jurisdiction shall be ineligible for not less than six months and not more than 24 months as determined by the court. The department shall disqualify only the individual and not the entire household.

(2) Definition of fraud. For purpose of determining at an administrative fraud hearing whether or not fraud was committed, fraud shall consist of any action by an individual to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the state agency, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous non-food items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(3) Administrative disqualification. The department's procedures for conducting fraud hearings are outlined in this section. An administrative fraud hearing shall be initiated by the department whenever the department has documented evidence to substantiate that a currently certified household member has committed one or more acts of fraud as defined in subsection (2) of this section. Fraud hearings shall not be conducted if the amount the department suspects has been fraudulently obtained is less than \$35 or if the value of the ineligible items that have been purchased with food stamps is under \$35. The burden of proving fraud is on the department. If the household member is not certified when the suspected fraud is discovered, the department shall initiate the hearing when the household member becomes certified. The administrative fraud hearing may still be conducted regardless of whether other legal action is planned against the household member.

(a) Consolidation of administrative fraud hearing with fair hearing. The office of hearings may combine a fair hearing and an administrative fraud hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the household receives prior notice that the hearings will be combined. If the fraud hearing and fair hearing are combined, the department shall follow the timeliness standards for conducting fraud hearings.

(b) Fraud hearing procedures.

(i) The department provides state level administrative fraud hearings. The procedure for decision rendering is described in WAC 388-54-827.

(ii) The following provisions apply to administrative fraud hearings:

(A) Hearing official. Hearings shall be conducted and decisions rendered by impartial examiners who: do not have any personal stake or involvement in the case; were not directly involved in the initial determination of the action which is being contested; and were not the immediate supervisor of the eligibility worker who took the action. The hearing official shall:

(I) Administer oaths or affirmations if required by the state;

(II) Ensure that all relevant issues are considered;

(III) Request, receive and make part of the record all evidence determined necessary to decide the issues being raised;

(IV) Regulate the conduct and course of the hearing consistent with due process to ensure an orderly hearing;

(V) Order, where relevant and useful, an independent medical assessment or professional evaluation from a source mutually satisfactory to the household and the department;

(B) Attendance at hearing. The hearing shall be attended by a representative of the department and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing examiner shall have the authority to limit the number of persons in attendance at the hearing if space limitations exist.

(C) Household rights during hearing. The household may not be familiar with the rules of order and it may be necessary to make particular efforts to arrive at the facts of the case in a way that makes the household feel most at ease. The household or its representative must be given adequate opportunity to:

(I) Examine all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing. The contents of the case file including the application form and documents of verification used by the department to establish the household's ineligibility or eligibility, and allotment shall be made available, provided that confidential information, such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions, is protected from release. If requested by the household or its representative, the department shall provide a free copy of the portions of the case file that are relevant to the hearing. Confidential information that is protected from release and other documents or records which the household will not otherwise have an opportunity to contest or challenge shall not be introduced at the hearing or affect the hearing official's decision.

(II) Present the case or have it presented by a legal counsel or other person.

(III) Bring witnesses.

(IV) Advance arguments without undue interference.

(V) Question or refute any testimony or evidence, including an opportunity to confront and cross-examine adverse witnesses.

(VI) Submit evidence to establish all pertinent facts and circumstances in the case.

(D) Hearing decisions.

(I) Decisions of the hearing authority shall comply with department regulations and shall be based on the hearing record. This record shall be available to the household or its representative at any reasonable time for copying and inspection.

(II) At the fraud hearing the hearing examiner shall advise the household member or representative that the household member may refuse to answer questions during the hearing.

(III) Within 90 days of the date the household member is notified in writing that a hearing initiated by the department has been scheduled the department shall conduct the hearing, arrive at a decision, and initiate administrative action which will make the decision effective. The household member or representative is entitled to a postponement of up to 30 days. If the hearing is postponed, the above time limits shall be extended for as many days as the hearing is postponed.

(c) Advance notice of hearing.

(i) The department shall provide written notice to the household member suspected of fraud at least 30 days in advance of the date a fraud hearing initiated by the department has been scheduled. The notice shall be mailed certified mail return receipt requested, and shall contain, at a minimum:

(A) The date, time, and place of the hearing;

(B) The charge(s) against the household member;

(C) A summary of the evidence, and how and where the evidence can be examined;

(D) A warning that the decision will be based solely on information provided by the food stamp office if the household member fails to appear at the hearing;

(E) A warning that a determination of fraud will result in a three-month disqualification;

(F) A listing of the household member's rights as contained in WAC 388-54-826(3)(b)(ii)(C).

(G) A statement that the hearing does not preclude the state or federal government from prosecuting the household member for fraud in a civil or criminal court action, or from collecting the overissuance;

(H) A statement that the individual can call the food stamp office to get the name and phone number of someone who can give free legal advice. If free legal advice is not available, the food stamp office shall provide, when called, the phone number of a lawyer referral service of the local bar association.

(ii) A copy of the department's published hearing procedures shall be attached to the 30-day advance notice;

(d) Scheduling of hearing. The time and place of the hearing shall be arranged so that the hearing is accessible to the household member suspected of fraud.

(i) If the household member or its representative cannot be located or fails to appear at a hearing initiated by the department without good cause, the hearing shall be conducted without the household member represented.

Even though the household member is not represented, the hearing official is required to carefully consider the evidence and determine if fraud was committed based on clear and convincing evidence. If the household member is found to have committed fraud but a hearing official later determines that the household member or representative had good cause for not appearing, the previous decision shall no longer remain valid and the office of hearings shall conduct a new hearing. The household member has ten days from receipt of the notice of the fraud decision to present reasons indicating a good cause for failure to appear. A hearing official must enter the good cause decision into the record.

(e) Participation while awaiting a hearing. A pending fraud hearing shall not affect the individual's or the household's right to be certified and participate in the program. Since the department cannot disqualify a household member for fraud until the hearing authority finds that the individual has committed fraud, the department shall determine the eligibility and benefit level of the household in the same manner it would be determined for any other household. The department shall also reduce or terminate the household's benefits if the department has documentation which substantiates that the household is ineligible or eligible for fewer benefits (even if these facts led to the suspicion of fraud and the resulting fraud hearing) and the household fails to request a fair hearing and continuation of benefits pending the hearing.

(f) Criteria for determining fraud. The hearing authority shall base the determination of fraud on clear and convincing evidence which demonstrates that the household member knowingly, willfully, and with deceitful intent committed fraud, as defined in subsection (2) of this section.

(g) Decision format. The hearing authority's decision shall specify the reasons for the decision, identify the supporting evidence, identify the pertinent regulation, and respond to reasoned arguments made by the household member or representative.

(h) Appeal rights of the household member. If the hearing authority rules that the household member has committed fraud, the household member may appeal the decision to court. After a household member has been found to have committed fraud by the hearing authority, the household member shall be disqualified for three months beginning with the first month which follows the date the household member has received the hearing decision. The disqualification period shall be three months, without regard to the amount of food stamps fraudulently obtained or the number of fraudulent acts the hearing finds the individual has committed. No further administrative appeal procedure exists after an adverse department hearing. The determination of fraud made by a fraud hearing official cannot be reversed by a subsequent fair hearing decision. The household member, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to stay or other injunctive remedy.

(i) Notification of hearing decision.

(ii) If the hearing authority finds that the household member did not commit fraud, the hearing authority



shall provide a written notice which informs the household member of the decision.

(iii) If the administrative fraud hearing authority finds that the household member committed fraud, the department shall mail a written notice to the household member prior to disqualification. The notice shall inform the household member of the decision and the reason for the decision. The notice shall also advise the remaining household members, if any, of either the allotment they will receive during the period of disqualification or that they must reapply because the certification period has expired. The decision shall inform the household member of the date disqualification will take effect.

**Reviser's Note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

### NEW SECTION

#### WAC 388-54-827 FRAUD ADMINISTRATIVE HEARING—DECISION RENDERING PROCESS.

(1) Initial Decision. These rules are effective July 1, 1979.

(a) The hearing examiner who conducted the hearing shall write an initial decision. The hearing examiner shall file the original of the initial decision in the record of the proceedings and shall mail copies of the initial decision to the parties and their representatives.

(b) The initial decision shall automatically become the final decision of the Secretary if no petition for review is filed in accordance with subsection (2) below within ten days of mailing of the initial decision.

#### (2) Petition for review.

(a) Within ten days of mailing of the initial decision either party may petition a review examiner, in writing, for review of the initial decision. The petition for review shall set forth in detail the basis for the requested review and shall be mailed postage prepaid to the Office of Hearings and to the other party's last known address.

(b) The petition shall be based on any one of the following grounds materially affecting the substantial rights of a party:

(i) Irregularity in the proceedings by which the moving party was prevented from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the hearing examiner.

(ii) The findings of fact are unsupported by substantial evidence in view of the entire record.

(iii) Errors of law.

(iv) Need for clarification in order for the parties to implement the decision.

(v) The decision entered when the appellant failed to appear at the hearing should be vacated and the matter remanded upon a showing that the household member had good cause for not appearing at the hearing.

(c) Within fifteen days of mailing of the initial decision and where one party has filed a petition for review, the responding party may reply in writing to the petition for review. The response shall be mailed postage prepaid to the Office of Hearings and to the other party's last known address.

(3) Procedure for review by review examiner.

(a) A petition for review shall be granted only if, in the reasoned opinion of the review examiner, one of the grounds for review set forth in subsection (2) above are shown. Otherwise, the petition for review shall be denied and the initial decision shall be the final decision of the Secretary as of the date of denial of the petition(s) for review.

(b) In determining whether to grant review and in reviewing the initial decision the review examiner shall consider the initial decision, the petition(s) for review and any reply(s) thereto, the record or any part thereof, and any additional evidence submitted by the agreement of both parties in accordance with subsections (3)(d) and (e) below.

(c) If review is granted, the hearing examiner's initial findings of fact, conclusions of law, and decision shall not be modified by the review examiner unless, in the reasoned opinion of the review examiner:

(i) The findings of fact are unsupported by substantial evidence in view of the entire record, and/or

(ii) The application of law is erroneous, and/or

(iii) One or more of the grounds for filing a petition for review set forth at (2)(b) above is satisfied.

(d) The review examiner may accept additional evidence to correct omissions in the record, but only after notice to and agreement by both parties.

(e) The review examiner may remand the proceedings to the hearing examiner for additional evidence or argument if:

(i) Neither party cited the law correctly applicable to the issue(s) defined at the hearing and additional evidence or argument is needed for the review examiner to reach a reasoned decision. Nothing in this subsection shall be construed to allow the review examiner to remand the case to consider additional grounds for ineligibility or allegations of fraud which were not alleged by the department at the hearing, and/or

(ii) Irregularity in the proceedings occurred by which the party seeking review was prevented from having a fair hearing and additional evidence or argument is necessary to cure the irregularity, and/or

(iii) The review examiner considers a remand necessary and both parties assent to the remand.

(f) If review is granted, the review examiner shall render a reasoned decision affirming, reversing, modifying, or remanding the initial decision. That decision shall be final on the date of filing and shall be the final decision of the Secretary. The review examiner shall file the original of the final decision in the record of the proceedings and shall mail copies to the parties and their representatives.

### NEW SECTION

WAC 388-54-828 FRAUD DISQUALIFICATION—COURT IMPOSED. (1) Court-ordered disqualifications of not less than six months and not more than twenty-four months may be imposed separate and apart from any action taken by the department.

(2) The department shall recommend to the courts that a disqualification penalty as provided in section

(6)(b) of the Food Stamp Act be imposed in addition to any other civil or criminal fraud penalties.

(3) The department shall disqualify an individual found guilty of fraud by the courts only when the court orders disqualification and only for the length of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period with the first month following the date the disqualification was ordered.

(4) The department shall not initiate or continue a court imposed or administratively imposed fraud disqualification period contrary to a court order.

(5) These rules are effective July 1, 1979.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

(1) WAC 388-54-825 FRAUD DISQUALIFICATION.

**WSR 79-10-085  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Order 1436—Filed September 21, 1979]**

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-35-060 GAN—Reapplication.  
Amd WAC 388-35-070 GAN—Requirements.

This action is taken pursuant to Notice No. WSR 79-08-011 filed with the code reviser on 7/9/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED September 19, 1979.  
By N. Spencer Hammond  
Executive Assistant

**AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)**

**WAC 388-35-060 REAPPLICATION.** (1) A person must reapply and have eligibility redetermined prior to the issuance of each grant. Persons shall be recertified only when they have applied for and/or utilized to the full extent available any resources for which they might be eligible including but not limited to:

(a) Employment counseling and referral if they are required to register with WSES as a condition of eligibility;

(b) Benefits, entitlements, compensation;

(c) Failure to pursue and/or ~~((utilized))~~ utilize such resources without good cause shall result in a period of ineligibility of 30 days or until the person begins to pursue and/or ~~((utilized))~~ utilize such resources, whichever period is less. The period of ineligibility shall begin the day after the current certification ends.

(d) The following conditions shall constitute good cause:

(i) Mental or physical inability of the person to pursue and/or utilize such resources;

(ii) Inability of the person to get to and from the job, interview, counseling appointment, or application for such resources without undue cost or hardship.

(2) Persons who are required to register with WSES as a condition of eligibility shall be recertified only when it is verified that they have been actively seeking work.

(3) If more than 30 days have elapsed since the end of the last certification period, a person shall be treated as a new applicant.

**AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)**

**WAC 388-35-070 NONCONTINUING GENERAL ASSISTANCE—REQUIREMENTS.** (1) The standards for ~~((basic))~~ monthly requirements for a noncontinuing general assistance applicant~~((or))~~/recipient, effective July 1, 1979, shall be:

Number of GA-N recipients in assistance unit									
1	2	3	4	5	6	7	8	9	
<del>(( \$ 60 \$ 95</del>	<del>\$ 125</del>	<del>\$ 157</del>	<del>\$ 194</del>	<del>\$ 228</del>	<del>\$ 260</del>	<del>\$ 294</del>	<del>\$ 327</del>	<del>\$ 366</del>	<del>\$ 397</del>
<u>\$ 66</u>	<u>\$ 105</u>	<u>\$ 138</u>	<u>\$ 173</u>	<u>\$ 213</u>	<u>\$ 251</u>	<u>\$ 286</u>	<u>\$ 323</u>	<u>\$ 360</u>	
10	11	12	13	14	15	16	17	18	or more
<del>(( \$ 361 \$ 396</del>	<del>\$ 430</del>	<del>\$ 464</del>	<del>\$ 499</del>	<del>\$ 532</del>	<del>\$ 566</del>	<del>\$ 599</del>	<del>\$ 634</del>	<del>\$ 669</del>	<del>\$ 697</del>
<u>\$ 397</u>	<u>\$ 436</u>	<u>\$ 473</u>	<u>\$ 510</u>	<u>\$ 549</u>	<u>\$ 585</u>	<u>\$ 623</u>	<u>\$ 659</u>	<u>\$ 697</u>	

(2) An emergency shelter requirement shall be authorized by the CSO in the following circumstances:

(a) The applicant~~((or))~~/recipient has been given, and presents to the CSO, a notice to quit premises or pay rent.

(b) The CSO has contacted the landlord and has been assured that payment of up to one month's rent standard will be sufficient to forestall eviction.

(c) The amount authorized shall be the actual amount needed to forestall eviction, not to exceed the following standards:

Number of GA-N recipients in assistance unit									
1	2	3	4	5	6	7	8	9	
<del>(( \$ 82 \$ 119</del>	<del>\$ 124</del>	<del>\$ 126</del>	<del>\$ 126</del>	<del>\$ 129</del>	<del>\$ 133</del>	<del>\$ 135</del>	<del>\$ 138</del>	<del>\$ 138</del>	<del>\$ 138</del>
<u>\$ 90</u>	<u>\$ 131</u>	<u>\$ 136</u>	<u>\$ 139</u>	<u>\$ 139</u>	<u>\$ 142</u>	<u>\$ 146</u>	<u>\$ 149</u>	<u>\$ 152</u>	
10	11	12	13	14	15	16	17	18	or more
<del>(( \$ 141 \$ 143</del>	<del>\$ 145</del>	<del>\$ 147</del>	<del>\$ 150</del>	<del>\$ 152</del>	<del>\$ 153</del>	<del>\$ 157</del>	<del>\$ 159</del>	<del>\$ 159</del>	<del>\$ 159</del>
<u>\$ 155</u>	<u>\$ 157</u>	<u>\$ 160</u>	<u>\$ 162</u>	<u>\$ 165</u>	<u>\$ 167</u>	<u>\$ 168</u>	<u>\$ 173</u>	<u>\$ 175</u>	

(3) An emergency utility requirement shall be authorized by the CSO in the following circumstances:

(a) The applicant~~((or))~~/recipient has been given, and presents to the CSO, a notice of impending utility shut-off issued by the company providing the service, or it is otherwise verified by the CSO that the applicant or recipient is without necessary fuel for heating or cooking.

(b) The CSO has contacted the utility company or other provider of fuel to determine the amount necessary to forestall shut-off or otherwise provide necessary fuel.

(c) The amount authorized shall be the actual amount needed to forestall shut-off or to purchase one month's supply of fuel, not to exceed the following standards:

Number of GA-N recipients in assistance unit

1	2	3	4	5	6	7	8	9
<del>(\$ 42)</del>	<del>\$ 44</del>	<del>\$ 61</del>	<del>\$ 70</del>	<del>\$ 75</del>	<del>\$ 80</del>	<del>\$ 86</del>	<del>\$ 92</del>	<del>\$101</del>
<u>\$ 46</u>	<u>\$ 48</u>	<u>\$ 67</u>	<u>\$ 77</u>	<u>\$ 83</u>	<u>\$ 88</u>	<u>\$ 95</u>	<u>\$101</u>	<u>\$111</u>
10	11	12	13	14	15	16	17	18 or more
<del>(\$109)</del>	<del>\$118</del>	<del>\$127</del>	<del>\$137</del>	<del>\$147</del>	<del>\$156</del>	<del>\$166</del>	<del>\$175</del>	<del>\$185</del>
<u>\$120</u>	<u>\$130</u>	<u>\$140</u>	<u>\$151</u>	<u>\$162</u>	<u>\$172</u>	<u>\$183</u>	<u>\$193</u>	<u>\$204</u>

**WSR 79-10-086**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed September 21, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 49.17.050, 49.17.240 and chapters 42.30 and 43.22 RCW, that the Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning the Occupational Safety and Health (OSHA) revoked selected standards presently contained in 29 CFR Part 1910, OSHA, General Industry Safety and Health Standards. (42 FR 62734) To be as effective as OSHA, the following standards from the WISHA codes are proposed for retention, revocation and house-keeping purposes:

**AMD**

- Chapter 296-24 WAC General safety and health standard.
- Chapter 296-52 WAC Possession, handling and use of explosives.
- WAC 296-54-45001 Pulpwood logging.
- Chapter 296-62 WAC General Occupational safety and health.
- Chapter 296-78 WAC Sawmill operations.
- Chapter 296-79 WAC Pulp, paper and paperboard.
- Chapter 296-302 WAC Bakery equipment.
- Chapter 296-303 WAC Laundry machinery and operations.

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

- WAC 296-24-13001, 296-24-13003, 296-24-13005, 296-24-13007, 296-24-13009, 296-24-13011, 296-24-13013, 296-24-13503, 296-24-17001, 296-24-17003, 296-24-17005, 296-24-17007, 296-24-17009, 296-24-17011, 296-24-17013, 296-24-17015, 296-24-17017, 296-24-17019, 296-24-17021, 296-24-17023, 296-24-17025, 296-24-17027, 296-24-17-029, 296-24-17031, 296-24-17033, 296-24-17035, 296-24-17037, 296-24-17039, 296-24-17041, 296-24-17043, 296-24-17045, 296-24-17047, 296-24-20529, 296-24-60503, 296-24-66501, 296-24-68215, 296-24-69009, 296-24-70005, 296-24-76523, 296-24-79505, 296-302-015, 296-302-02507, 296-302-02509, 296-302-02519, 296-302-06505, 296-302-06509, 296-302-06511, 296-302-06513, 296-302-06515, 296-302-06523, 296-302-06525, 296-302-06527, 296-302-06531, 296-303-01001, 296-303-01003, 296-303-02005, 296-303-030, 296-303-040 and 296-62-07305.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

Correspondence relating to this notice and the proposed rules should be addressed to:

Department of Labor and Industries  
 Division of Industrial Safety and Health  
 P. O. Box 207 AX-31sd  
 Olympia, Washington 98504;

that such agency will at 9:30 a.m., Wednesday and Thursday, November 7, and if needed, November 8, 1979, in the Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, December 14, 1979, in the Director's office, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.17.050, 49.17.240 and chapters 43.22 and 42.30 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1979, and/or orally at 9:30 a.m., Wednesday and Thursday, November 7, and if needed, November 8, 1979, Conference Room, General Administration Building, Olympia, Washington.

Dated: September 21, 1979

By: James T. Hughes  
 Director

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-08113 IDENTIFICATION OF GAS MASK CANISTERS.** (1) The primary means of identifying a gas mask canister shall be by means of properly worded labels. The secondary means of identifying a gas mask canister shall be by a color code.

(2) Employers or their representative who issue or use gas masks falling within the scope of this section shall see that all gas mask canisters purchased or used by them are properly labeled and colored in accordance with these requirements before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters have completely served their purpose.

(3) On each canister shall appear in bold letters the following:

(a)—Canister for

.....  
 (Name for atmospheric contaminant)

or

Type N Gas Mask Canister

(b) In addition, essentially the following wording shall appear beneath the appropriate phrase on the canister label: "For respiratory protection in atmospheres containing not more than ..... percent by volume of ....."

.....  
 (Name of atmospheric contaminant)

((c) All of the markings specified above should be placed on the most conspicuous surface or surfaces of the canister:))

(4) Canisters having a special high-efficiency filter for protection against radionuclides and other highly toxic particulates shall be labeled with a statement of the type and degree of protection afforded by the filter. The label shall be affixed to the neck end of, or to the gray stripe which is around and near the top of, the canister. The degree of

protection shall be marked as the percent of penetration of the canister by a 0.3-micron-diameter dioctyl phthalate (DOP) smoke at a flow rate of 85 liters per minute.

(5) Each canister shall have a label warning that gas masks should be used only in atmospheres containing sufficient oxygen to support life (at least 16 percent by volume), since gas mask canisters are only designed to neutralize or remove contaminants from the air.

(6) Each gas mask canister shall be painted a distinctive color or combination of colors indicated in Table I-1. All colors used shall be such that they are clearly identifiable by the user and clearly distinguishable from one another. The color coating used shall offer a high degree of resistance to chipping, scaling, peeling, blistering, fading, and the effects of the ordinary atmospheres to which they may be exposed under normal conditions of storage and use. Appropriately colored pressure sensitive tape may be used for the stripes.

TABLE I-1

ATMOSPHERIC CONTAMINANTS TO BE PROTECTED AGAINST	COLORS ASSIGNED*
Acid gases	White.
Hydrocyanic acid gas	White with 1/2-inch green stripe completely around the canister near the bottom.
Chlorine gas	White with 1/2-inch yellow stripe completely around the canister near the bottom.
Organic vapors	Black.
Ammonia gas	Green.
Acid gases and ammonia gas	Green with 1/2-inch white stripe completely around the canister near the bottom.
Carbon monoxide	Blue.
Acid gases and organic vapors	Yellow.
Hydrocyanic acid gas and chloropicrin vapor	Yellow with 1/2-inch blue stripe completely around the canister near the bottom.
Acid gases, organic vapors, and ammonia gases	Brown.
Radioactive materials, excepting tritium and noble gases	Purple (Magenta).
Particulates (dusts, fumes, mists, fogs, or smokes) in combination with any of the above cases or vapors	Canister color for contaminant, as designated above, with 1/2-inch gray stripe completely around the canister near the top.
All of the above atmospheric contaminants	Red with 1/2-inch gray stripe completely around the canister near the top.

\*Gray shall not be assigned as the main color for a canister designed to remove acids or vapors.

NOTE: Orange shall be used as a complete body, or stripe color to represent gases not included in this table. The user will need to refer to the canister label to determine the degree of protection the canister will afford.

**AMENDATORY SECTION** (Amending Order 74-27, filed 5/7/74)

**WAC 296-24-12005 WATER SUPPLY.** (1) Potable water.

(a) Potable water shall be provided in all places of employment, for drinking, washing of the person, cooking, washing of foods, washing of cooking or eating utensils, washing of food preparation or processing premises, and personal service rooms.

(b) ~~((Drinking fountain surfaces which become wet during fountain operation shall be constructed of materials impervious to water and not subject to oxidation. The nozzle of the fountain shall be at an angle and so located to prevent the return of water in the jet or bowl to the nozzle orifice. A guard shall be provided over the nozzle to prevent contact with the nozzle by the mouth or nose of persons using the drinking fountain. The drain from the bowl of the fountain shall not have a direct physical connection with a waste pipe, unless it is trapped.~~

(c)) Portable drinking water dispensers shall be designed, constructed, and serviced so that sanitary conditions are maintained, shall be capable of being closed, and shall be equipped with a tap.

~~((d) Ice in contact with drinking water shall be made of potable water and maintained in a sanitary condition.~~

~~((e)) (c) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.~~

~~((f)) (d) A common drinking cup and other common utensils are prohibited.~~

~~((g) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.~~

NOTE: ~~Drinking water should be made available within 200 feet of any location at any location at which employees are regularly engaged in work.)~~

(2) Nonpotable water.

(a) Outlets for nonpotable water, such as water for industrial or firefighting purposes shall be posted or otherwise marked in a manner that will indicate clearly that the water is unsafe and is not to be used for drinking, washing of the person, cooking, washing of food, washing of cooking or eating utensils, washing of food preparation or processing premises, or personal service rooms, or for washing clothes.

(b) Construction of nonpotable water systems or systems carrying any other nonpotable substance shall be such as to prevent backflow or backsiphonage into a potable water system.

Nonpotable water shall not be used for washing any portion of the person, cooking or eating utensils, or clothing. Nonpotable water may be used for cleaning work premises, other than food processing and preparation premises and personal service rooms: Provided, That this nonpotable water does not contain concentrations of chemicals, fecal coliform, or other substances which could create unsanitary conditions or be harmful to employees.

**AMENDATORY SECTION** (Amending Order 74-27, filed 5/7/74)

**WAC 296-24-12007 TOILET FACILITIES.** (1) General.

(a) Except as otherwise indicated in this section, (a) toilet facilities, in toilet rooms separate for each sex, shall be provided in all places of employment in accordance with table B-1 of this section. The number of facilities to be provided for each sex shall be based on the number of employees of that sex for whom the facilities are furnished. Where toilet rooms will be occupied by no more than one person at a time, can be locked from the inside, and contain at least one water closet, separate toilet rooms for each sex need not be provided. Where such single-occupancy rooms have more than one toilet facility, only one such facility in each toilet room shall be counted for the purpose to table B-1.

TABLE B-1

Number of employees:	Minimum number of water closets
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	One additional fixture for each additional 40 employees

(i) Where toilet facilities will not be used by women, urinals may be provided instead of water closets in such cases shall not be reduced to less than 2/3 of the minimum specified.

(b) The requirements of subdivision (a) of this subsection do not apply to mobile crews or to normally unattended work locations so long as employees working at these locations have transportation immediately available to nearby toilet facilities which meet the other requirements of this section.

(c) The sewage disposal method shall not endanger the health of employees.

~~((d) When persons other than employees are permitted the use of toilet facilities on the premise, the number of such facilities shall be appropriately increased in accordance with table B-1 of this section in determining the minimum number of toilet facilities required.~~

~~((e) Toilet paper with holder shall be provided for every water closet.~~

~~((f) Covered receptacles shall be kept in all toilet rooms used by women.~~

(g) For each three required toilet facilities at least one lavatory shall be located either in the toilet room or adjacent thereto. Where only one or two toilet facilities are provided at least one lavatory so located shall be provided.)

(2) Construction of toilet rooms. ((a)) Each water closet shall occupy a separate compartment with a door and walls or partitions between fixtures sufficiently high to assure privacy.

((b) In all toilet rooms installed on or after August 31, 1971, the floor and sidewalls, including the angle formed by the floor and sidewalls, and excluding doorways and entrances, shall be watertight. The sidewalls shall be watertight to a height of at least 5 inches.

(c) The floors, walls, ceilings, partitions, and doors of all toilet rooms shall be of a finish that can be easily cleaned. In installations made on or after August 31, 1971, cove bases shall be provided to facilitate cleaning.

(3) Construction and installation of toilet facilities. (a) Every water carriage toilet facility shall be set entirely free and open from all enclosing structures and shall be so installed that the space around the facility can be easily cleaned. This provision does not prohibit the use of wall-hung type water closets or urinals.

(b) Every water closet shall have a hinged seat made of substantial material having a nonabsorbent finish. Seats installed or replaced after June 4, 1973, shall be of the open front type.

(c) Nonwater carriage toilet facilities and disposal systems shall be in accordance with WAC 296-24-130 through WAC 296-24-130(3:))

**AMENDATORY SECTION** (Amending Order 74-27, filed 5/7/74)

**WAC 296-24-12009 WASHING FACILITIES.** (1) General. Facilities for maintaining personal cleanliness shall be provided in every place of employment pursuant to the provisions of this section. These shall be convenient for the employees for whom they are provided and shall be maintained in a sanitary condition.

(2) Lavatories.

(a) Lavatories shall be made available in all places of employment ((in accordance with the requirements for lavatories as set forth in table B-2 of this section. In a multiple-use lavatory, 24 linear inches of wash sink or 20 inches of a circular basin, when provided with water outlets for each space, shall be considered equivalent to one lavatory)). The requirements of this subsection do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this section.

((TABLE B-2

Type of employment	Number of employees	Minimum number of lavatories
Nonindustrial office buildings	1 to 15	1
public buildings, and similar establishments	16 to 35	2
	36 to 60	3
	61 to 90	4
	91 to 125	5
	Over 125	1 additional fixture for each additional 45 employees.
Industrial factories, warehouses, loft buildings and similar establishments.	1 to 100	1 fixture for each 10 employees.
	Over 125	1 fixture for each additional 15 employees.)

(b) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(c) Hand soap or similar cleansing agents shall be provided.

(d) Individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

((e) Receptacles shall be provided for disposal of used towels.

(f) Warm air blowers shall provide air at not less than 90°F. and shall have means to automatically prevent the discharge of air exceeding 140°F.

(g) Electrical components of warm air blowers shall meet the requirements of WAC 296-24-950 and WAC 296-24-955:))

(3) Showers.

(a) Whenever showers are required by a particular standard, the showers shall be provided, in accordance with subdivisions (b) through (e) of this section.

(b) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(c) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in this section.

(d) Showers shall be provided with hot and cold water feeding a common discharge line.

(e) Employees who use showers shall be provided with individual clean towels.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-130 NONWATER CARRIAGE DISPOSAL SYSTEMS. Revoked.**

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-13501 COLOR IDENTIFICATION.** (1) Red. Red shall be the basic color for the identification of:

(a) Fire protection equipment and apparatus. ((i) Fire alarm boxes (pull boxes):

(ii) Fire blanket boxes;

(iii) Fire buckets or pails;

(iv) Fire exit signs;

(v) Fire extinguishers (if painting the extinguisher is impractical or undesirable, color should be used on the housing, wall, or support to identify the location);

(vi) Fire hose locations (color should be used on the reel, supports, or housing but not on the hose);

(vii) Fire hydrants (industrial);

(viii) Fire pumps;

(ix) Fire sirens;

(x) Post indicator valves for sprinkler system (it is suggested that if a traffic hazard is involved, the top should be colored red, and the barrel or post yellow and black stripes);

(xi) Sprinkler piping. (See ANSI Standard Scheme for the Identification of Piping Systems, A13.1-1956:))

(b) Danger. Safety cans or other portable containers of flammable liquids having a flashpoint at or below 80°F. table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2-1944. Danger signs shall be painted red.

(c) Stop. Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches used for emergency stopping of machinery shall be red.

(2) ((Orange. Orange shall be used as the basic color for designating dangerous parts of machines or energized equipment which may cut, crush, shock, or otherwise injure and to emphasize such hazards when enclosure doors are open or when gear belt, or other guards around moving equipment are open or removed, exposing unguarded hazards.

(3)) Yellow. Yellow shall be the basic color for designating caution and for marking physical hazards such as: striking against, stumbling, falling, tripping, and "caught in between". Solid yellow, yellow and black stripes, yellow and black checkers (or yellow with suitable contrasting background) should be used interchangeably, using the combination which will attract the most attention in the particular environment. Yellow shall be the basic color for designating caution, limited to warning against the starting, the use of, or the movement of equipment under repair or being worked upon.

((4) Green. Green shall be used as the basic color for designating "Safety" and the location of first aid equipment (other than firefighting equipment):

(5) Purple. Purple shall be the basic color for designating radiation hazards. "Radiation" as used in this subdivision refers to radiation types such as X-ray, alpha, beta, gamma, neutron, proton, deuteron, and

meson. Yellow should be used in combination with purple for markers such as tags, labels, signs, and floor markers.

~~(6) Black, White, or Combinations of Black and White. Black, white, or a combination of these two, shall be the basic colors for the designation of traffic and housekeeping markings. Solid white, solid black, single color striping, alternate stripes of black and white, or black and white checkers should be used in accordance with local conditions:))~~

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-14007 SIGN DESIGN AND COLORS.** (1) ~~((Design Features. The colors, proportions, and location of the identification panels on each sign shall be in accordance with this section:))~~ All signs shall be furnished with rounded or blunt corners and shall be free form sharp edges, burrs, splinters, or other sharp projections. The ends or heads of bolts or other fastening devices shall be located in such a way that they do not constitute a hazard. ~~((When conditions warrant the use of a sign size not covered in the following tables, the ratio of the depth of the identifying panel (Danger, Caution, etc.) to the width of the sign shall be as established in Tables J-1 to J-4:))~~

(2) Danger signs.

(a) The colors red, black, and white shall be those of opaque glossy samples as specified in Table 1 of Fundamental Specification of Safety Colors for CIE Standard Source "C", American National Standard Z53.1-1971.

(b) Standard Proportions shall be as indicated in Table J-1, and format shall be as in Fig. J-1.

(3) Radiation warning signs.

(a) Standard color of the background shall be yellow; the panel, reddish purple with yellow letters; the symbol, reddish purple; any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) The standard symbol shall be as in Figure J-3. Method of dimensioning, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated. The symbol shall be prominently displayed, and of a size consistent with the size of the equipment or material or area to which it is attached.

(c) Format shall be as in Figure J-2. Sign proportions shall be the same as those for danger signs in Table J-1.

(4) Caution signs.

(a) Standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-2, and format shall be as in Figure J-4.

(5) Exit signs. Exit signs shall be in accordance with WAC 296-24-56531.

(6) Safety instruction signs.

(a) Standard color of the background shall be white; and the panel, green with white letters. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-3, and format shall be as in Figure J-5.

(7) Directional signs.

(a) Standard color of the background shall be white; and the panel, black with white directional symbol. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(b) Standard proportions shall be as indicated in Table J-4, and format shall be as in Figure J-6.

(8) In-plant traffic signs. Regulatory and control signs required for the safe movement of vehicles and pedestrians on thoroughfares on plant property shall conform to the standards established in American National Standard Manual on Uniform Traffic Control Devices for Streets and Highways, D6.1-1971.

(9) Informational signs. Blue shall be the standard color for informational signs. It may be used as the background color for the complete sign or as a panel at the top of such types of "Notice" signs, which have a white background. The colors shall be those of opaque

glossy samples as specified in Table 1 of American National Standard Z53.1-1971.

(10) Slow-moving vehicle emblem. This emblem (see Fig. J-7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night. The emblem is intended as a unique identification for, and it shall be used only, on vehicles which by design move slowly (25 M.P.H. or less) on the public roads. The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967, or ASAE S276.2 (ANSI B114.1-1971).

(11) Symbols. Symbols used on signs shall follow recognized practices, such as in Figure J-8. For radioactive materials, see symbol in Figure J-3.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-16503 MACHINE CONSTRUCTION GENERAL.** (1) ~~((Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed:))~~

~~((2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play:))~~

~~((3) The use of wooden bandsaw wheels other than those of commercial manufacture is prohibited:))~~

~~((4)) Any automatic cutoff saw that strokes continuously without the operator being able to control each stroke shall not be used.~~

~~((5)) (2) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.~~

~~((6)) (3) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.~~

~~((7)) (4) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.~~

~~((8)) (5) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.~~

~~((9)) (6) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of WAC 296-24-20501 through WAC 296-24-20533.~~

~~((10)) (7) It is recommended that each power-driven woodworking machine be provided with a disconnect switch that can be locked in the off position.~~

~~((11)) (8) The frames and all exposed, noncurrent-carrying metal parts of portable electric woodworking machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.~~

~~((12)) (9) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table, that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required, with a guard that shall be so arranged as to prevent accidental contact with the saw.~~

~~((13)) (10) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular ripsaws, according to the kind of saws mounted on the arbors.~~

~~((14)) (11) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.~~

~~((15)) (12) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding and rabbeting.~~

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-16539 INSPECTION AND MAINTENANCE OF WOODWORKING MACHINERY.** (1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.

(6) Emphasis is placed upon the importance of maintaining cleanliness around woodworking machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.

(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(10) ~~((Twists or kinks in bandsaws and band resaws shall be promptly removed with a hammer.~~

~~((11) To avoid vibration, brazed joints in bandsaws and band resaws shall be the same thickness as the saw blade.~~

~~((12)) The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.~~

~~((13)) (11) Whenever veneer slicers or rotary veneer-cutting-machines have been shutdown for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other workmen are not in a hazardous position before starting the machine.~~

~~((14)) (12) Operators shall not ride the carriage of a veneer slicer.~~

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-170 COOPERAGE MACHINERY. Revoked.**

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-18007 FLANGES.** (1) General requirements. All abrasive wheels shall be mounted between flanges which shall not be less than one-third the diameter of the wheel.

(a) Exceptions:

- (i) Mounted wheels.
- (ii) Portable wheels with threaded inserts or projecting studs.
- (iii) Abrasive discs (inserted nut, inserted washer and projecting stud type).
- (iv) Plate mounted wheels.
- (v) Cylinders, cup, or segmental wheels that are mounted in chucks.
- (vi) Types 27 and 28 wheels.
- (vii) Certain internal wheels.
- (viii) Modified types 6 and 11 wheels (terrazzo).
- (ix) Cutting-off wheels, Types 1 and 27A (see (b) and (c) of this section.)

(b) Type 1 cutting-off wheels are to be mounted between properly relieved flanges which have matching bearing surfaces. Such flanges shall be at least one-fourth the wheel diameter.

(c) Type 27A cutting-off wheels are designed to be mounted by means of flat, not relieved, flanges having matching bearing surfaces and which may be less than one-third but shall not be less than one-fourth the wheel diameter. (See Figure O-24 for one such type of mounting.)

- (d) There are three general types of flanges:
  - (i) Straight relieved flanges (see Figure O-32);
  - (ii) Straight unrelieved flanges (see Figure O-30);
  - (iii) Adaptor flanges (see Figures O-33 and O-34).
- (e) Regardless of flange type used, the wheel shall always be guarded. Blotters shall be used in accordance with (6) of this section.

~~((2) Design and Material. (a) Flanges shall be of such design as to satisfactorily transmit the driving torque from the spindle to the grinding wheel.~~

~~(b) Flanges may be made of steel, cast iron, or other material of equal or greater strength and rigidity.)~~

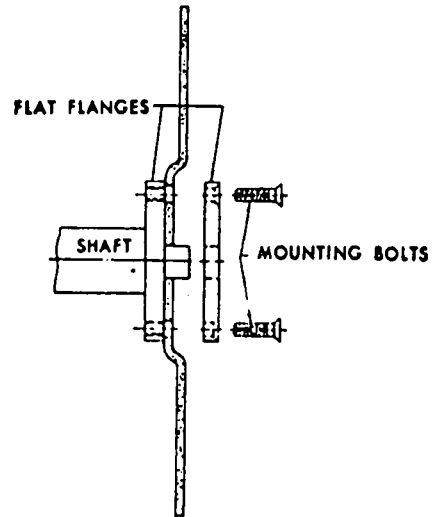


Figure No. O-24

The type 27A Wheel is mounted between flat non-relieved flanges of equal bearing surfaces.

~~((c) Flanges shall be designed with respect to rigidity so that when tightened, the radial width of bearing surface of contact on the wheel is maintained. (See Table O-6 and Figure O-32.)~~

~~((3)) (2) Finish and balance. Flanges shall be dimensionally accurate and in good balance. There shall be no rough surfaces or sharp edges.~~

~~((4)) (3) Uniformity of diameter.~~

(a) Both flanges, of any type, between which a wheel is mounted, shall be of the same diameter and have equal bearing surface. Exceptions are set forth in (4)(b) and (c).

(b) Type 27 and Type 28 wheels, because of their shape and usage, require specially designed adaptors. The back flange shall extend beyond the central hub or raised portion and contact the wheel to counteract the side pressure on the wheel in use. The adaptor nut which is less than the minimum one-third diameter of wheel fits in the depressed side of wheel to prevent interference in side grinding and serves to drive the wheel by its clamping force against the depressed portion of the back flange. The variance in flange diameters, the adaptor nut being less than one-third wheel diameter, and the use of side pressure in wheel operation limit the use to reinforced organic bonded wheels. Mounts which are affixed to the wheel by the manufacturer shall not be reused. Type 27 and Type 28 wheels shall be used only with a safety guard located between wheel and operator during use. (See Figure O-24-A.)

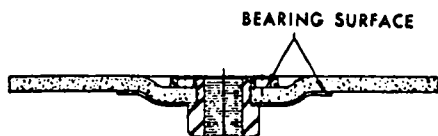
(c) Modified Types 6 and 11 wheels (terrazzo) with tapered K dimension.

~~((5)) (4) Recess and undercut.~~

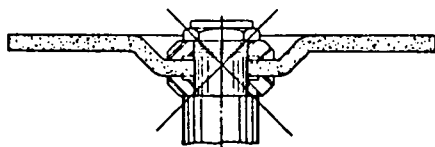
(a) Straight relieved flanges made according to Table O-6 and Figure O-32 shall be recessed at least one-sixteenth inch on the side next to the wheel for a distance as specified in Table O-6.

(b) Straight flanges of the adaptor or sleeve type (Table O-7 and Figures O-33 and O-34) shall be undercut so that there will be no bearing on the sides of the wheel within one-eighth inch of the arbor hole.





CORRECT  
PROPERLY MOUNTED  
TYPE 27 WHEEL



INCORRECT  
IMPROPERLY MOUNTED  
TYPE 27 WHEEL

Types 27 and 28 wheels, because of their shape, require specially designed adaptors.

((6)) (5) Blotters.

(a) Blotters (compressible washers) shall always be used between flanges and abrasive wheel surfaces to insure uniform distribution of flange pressure. (See WAC 296-24-18009.)

(b) Exception:

- (i) Mounted wheels.
- (ii) Abrasive discs (inserted nut, inserted washer, and projecting stud type.)
- (iii) Plate mounted wheels.
- (iv) Cylinders, cups, or segmental wheels that are mounted in chucks.

(v) Types 27 and 28 wheels.

(vi) Certain Type 1 and Type 27A cutting-off wheels.

(vii) Certain internal wheels.

(viii) Type 4 tapered wheels.

(ix) Diamond wheels, except certain vitrified diamond wheels.

(x) Modified types 6 and 11 wheel (terrazzo)—blotters applied flat side of wheel only.

((7)) (6) Driving flange. The driving flange shall be securely fastened to the spindle and the bearing surface shall run true. When more than one wheel is mounted between a single set of flanges, wheels may be cemented together or separated by specially designed spacers. Spacers shall be equal in faces. (See WAC 296-24-18009(6).)

((8)) (7) Dimensions.

(a) Tables O-4 and O-6 and Figures O-30 and O-32 show minimum dimensions for straight relieved and unrelieved flanges for use with wheels with small holes that fit directly on the machine spindle. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.

(b) Table O-5, and Table O-7 and Figures O-31, O-33, O-34 show minimum dimensions for straight adaptor flanges for use with wheels having holes larger than the spindle. Dimensions of such adaptor flanges shall never be less than indicated and should be greater where practicable.

(c) Table O-8 and Figure O-35 show minimum dimensions for straight flanges that are an integral part of wheel sleeves which are frequently used on precision grinding machines. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.

((9)) (8) Repairs and maintenance. All flanges shall be maintained in good condition. When the bearing surfaces become worn, warped, sprung, or damaged they should be trued or refaced. When refacing or truing, care shall be exercised to make sure that proper relief and rigidity is maintained as specified in (2) and (5) of this section and they shall be replaced when they do not conform to these requirements and Table O-4, Figure O-30, Table O-5, Figure O-31, Table O-6, Figure O-32, and Table O-35. Failure to observe these rules

might cause excessive flange pressure around the hole of the wheel. This is especially true of wheel-sleeve or adaptor flanges.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-19503 GENERAL REQUIREMENTS. (1) ((New installations. The requirements of this section shall apply to all mechanical power presses installed on or after August 31, 1971, except that the requirements of subsections 19505(13), (14) and 19507(5) of WAC 296-24-195 shall be complied with by November 1, 1975.

(2) Former Installations. The requirements of this section shall apply to all mechanical power presses installed prior to August 31, 1971, except that the requirements of section 19505 and 19507 of WAC 296-24-195 shall be complied with by November 1, 1975.

(3) All Installations. The requirements of this section pertaining to the care and use of mechanical power presses shall apply to all mechanical power press operations as of February 15, 1972.

((4)) Reconstruction and modification. It shall be the responsibility of any person reconstructing, or modifying a mechanical power press to do so in accordance with WAC 296-24-19505.

((5)) (2) Excluded machines. Press brakes, hydraulic and pneumatic power presses, bulldozers, hot bending and hot metal presses, forging presses and hammers, riveting machines and similar types of fastener applicators are excluded from the requirements of this section.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-19507 SAFEGUARDING THE POINT OF OPERATION. (1) General requirements.

(a) It shall be the responsibility of the employer to provide and insure the usage of "point of operation guards" or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press. See Table O-10.

(b) The requirement of subdivision (a) of this section shall not apply when the point of operation opening is one-fourth inch or less. See Table O-10.

TABLE O-10

MAXIMUM OPENINGS UNDER GUARDS

Distance of Opening From Point of Operation Hazard (Inches)	Maximum Openings Under Guard (Inches)
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

MAXIMUM OPENINGS THROUGH GUARDS

Material	Guard Clearance From Hazard Point	Largest Mesh or Opening (Inches)
Woven Wire, Expanded Metal or Perforated Metal	From 2 to 4	1/2
	4 to 15	2
Wood or Metal Strips (Crossed)	From 2 to 4	3/8
	4 to 15	2
Wood or metal Strips (Not Crossed)	From 2 to 4	1/2 width of strip
	4 to 15	1 width of strip

NOTE: The specifications for the materials used for filling barrier, point of operation guards is contained in Table O-12, WAC 296-24-20531. When plastic is used as filling, it shall be 1/4 inch thick (Minimum).



## (2) Point of operation guards.

(a) Every point of operation guard shall meet the following design, construction, application and adjustment requirements:

- (i) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard;
- (ii) It shall conform to the maximum permissible openings of Table O-10;
- (iii) It shall, in itself, create no pinch point between the guard and moving machine parts;
- (iv) It shall utilize fasteners not readily removable by operator, so as to minimize the possibility of misuse or removal of essential parts;
- (v) It shall facilitate its inspection, and
- (vi) If [It] shall offer maximum visibility of the point of operation consistent with other requirements.

(b) A die enclosure guard shall be attached to the die shoe or strip-  
per in a fixed position.

(c) A fixed barrier guard shall be attached securely to the frame of the pressor to the bolster plate.

(d) An interlocked press barrier guard shall be attached to the press frame or bolster and shall be interlocked with the press clutch control so that the clutch cannot be activated unless the guard itself, or the hinged or movable sections of the guard are in position to conform to the requirements of Table O-10.

(e) The hinged or movable sections of an interlocked press barrier guard shall not be used for manual feeding. The guard shall prevent opening of the interlocked section and reaching into the point of operation prior to die closure or prior to the cessation of slide motion. See subdivision 19507(3)(b) of this section regarding manual feeding through interlocked press barrier devices.

(f) The adjustable barrier guard shall be securely attached to the press bed, bolster plate, or die shoe, and shall be adjusted and operated in conformity with Table O-10 and the requirements of this subsection. Adjustments shall be made only by authorized personnel whose qualifications include a knowledge of the provisions of Table O-10 and this subsection.

(g) A point of operation enclosure which does not meet the requirements of this subsection and Table O-10 shall be used only in conjunction with point of operation devices.

## (3) Point of operation devices.

(a) Point of operation devices shall protect the operator by:

- (i) Preventing and/or stopping normal stroking of the press if the operator's hands are inadvertently placed in the point of operation; or
- (ii) Preventing the operator from inadvertently reaching into the point of operation or withdrawing his hands if they are inadvertently located in the point of operation, as the dies close; or
- (iii) Preventing the operator from inadvertently reaching into the point of operation at all times; or
- (iv) ~~Reserved~~

~~(v)~~ Requiring application of both of the operator's hands to machine operating controls and locating such controls at such a safety distance from the point of operation that the slide completes the downward travel or stops before the operator can reach into the point of operation with his hands; or

~~(vi)~~ Enclosing the point of operation before a press stroke can be initiated and maintaining this closed condition until the motion of the slide had ceased; or

~~(vii)~~ Enclosing the point of operation before a press stroke can be initiated, so as to prevent an operator from reaching into the point of operation prior to die closure or prior to cessation of slide motion during the downward stroke.

(b) The gate or movable barrier device shall protect the operator as follows:

(i) A Type A gate or movable barrier device shall protect the operator in the manner specified in item 19507(3)(a)(vi) of this section.

(ii) A Type B gate or movable barrier device shall protect the operator in the manner specified in item 19507(3)(a)(vii) of this section.

(c) A presence sensing point of operation device shall protect the operator as provided in item 19507(3)(a)(i) of this section, and shall be interlocked into the control circuit to prevent or stop slide motion if the operator's hand or other part of his body is within the sensing field of the device during the downstroke of the press slide.

(i) The device may not be used on machines using full revolution clutches.

(ii) The device may not be used as a tripping means to initiate slide motion.

(iii) The device shall be constructed so that a failure within the system does not prevent the normal stopping action from being applied to

the press when required, but does prevent the initiation of a successive stroke until the failure is corrected. The failure shall be indicated by the system.

(iv) Muting (bypassing of the protective function) of such device, during the upstroke of the press slide, is permitted for the purpose of parts ejection, circuit checking, and feeding.

(v) The safety distance (Ds) from the sensing field to the point of operation shall be greater than the distance determined by the following formula:

$$D_s = 63 \text{ inches/second} \times T_s \text{ where:}$$

$$D_s = \text{minimum safety distance (inches);}$$

$$63 \text{ inches/second} = \text{hand speed constant; and}$$

$$T_s = \text{stopping time of the press measured at approximately } 90^\circ \text{ position of crankshaft rotation (seconds).}$$

(vi) Guards shall be used to protect all areas of entry to the point of operation not protected by the presence sensing device.

(d) The pull-out device shall protect the operator as specified in item 19507(3)(a)(ii) of this section and shall include attachments for each of the operator's hands.

(i) Attachments shall be connected to and operated only by the press slide or upper die.

(ii) Attachment shall be adjusted to prevent the operator from reaching into the point of operation or to withdraw the operator's hands from the point of operation before the dies close.

(iii) A separate pull-out device shall be provided for each operator if more than one operator is used on a press.

(iv) Each pull-out device in use shall be visually inspected and checked for proper adjustment at the start of each operator shift, following a new die set-up, and when operators are changed. Necessary maintenance or repair or both shall be performed and completed before the press is operated. Records of inspections and maintenance shall be kept in accordance with WAC 296-24-19511.

~~(e) The sweep device shall protect the operator as specified in item 19507(3)(a)(ii) of this section, by removing his hands safely to a safe position if they are inadvertently located in the point of operation, as the dies close or prior to tripping the clutch. Devices operating in this manner shall have a barrier, attached to the sweep arm in such a manner as to prevent the operator from reaching into the point of operation, past the trailing edge of the sweep arm on the downward stroke of the press. This device may not be used for point of operation safeguarding after December 31, 1976.~~

~~((i)) The sweep device must be activated by the slide or by motion of a foot pedal tripod:~~

~~((ii)) The sweep device must be designed, installed and operated so as to prevent the operator from reaching into the point of operation before the dies close:~~

~~((iii)) The sweep device must be installed so that it will not itself create an impact or shear hazard between the sweep arm and the press tie rods, dies, or any other part of the press or barrier:~~

~~((iv)) Partial enclosure conforming with this subdivision 19507(3)(e); as to the area of entry which they protect, must be provided on both sides of the point of operation to prevent the operator from reaching around or behind the sweep device and into the point of operation after the dies start to close. Partial enclosures shall not themselves create a pinch point or shear hazard:))~~

(f) A holdout or a restraint device shall protect the operator as specified in item (3)(a)(iii) of this section and shall include attachments for each of the operator's hands. Such attachments shall be securely anchored and adjusted in such a way that the operator is restrained from reaching into the point of operation. A separate set of restraints shall be provided for each operator if more than one operator is required on a press.

(g) The two hand control device shall protect the operator as specified in item 19507(3)(a)(v) of this section.

(i) When used in press operations requiring more than one operator, separate two hand controls shall be provided for each operator, and shall be designed to require concurrent application of all operators' controls to activate the slide. The removal of a hand from any control button shall cause the slide to stop.

(ii) Each two hand control shall meet the construction requirements of subdivision 19505(7)(e) of this section.

(iii) The safety distance (Ds) between each two hand control device and the point of operation shall be greater than the distance determined by the following formula:

$$D_s = 63 \text{ inches/second} \times T_s \text{ where:}$$

$$D_s = \text{minimum safety distance (inches);}$$

$$63 \text{ inches/second} = \text{hand speed constant; and}$$

Ts = stopping time of the press measured at approximately 90° position of crankshaft rotation (seconds).

(iv) Two hand control shall be fixed in position so that only a supervisor or safety engineer is capable of relocating the controls.

(h) The two hand trip device shall protect the operator as specified in item 19507(3)(a)(v) of this section.

(i) When used in press operations requiring more than one operator, separate two hand trips shall be provided for each operator, and shall be designed to require concurrent application of all operators' controls to activate the slide.

(ii) Each two hand trip shall meet the construction requirements of subsection 19505(6) of this section.

(iii) The safety distance (Dm) between the two hand trip and the point of operation shall be greater than the distance determined by the following formula:

Dm = 63 inches/second x Tm; where:

Dm = minimum safety distance (inches);

63 inches/second = hand speed constant; and

Tm = the maximum time the press takes for the die closure after it has been tripped (seconds). For full revolution clutch presses with only one engaging point Tm is equal to the time necessary for one and one-half revolutions of the crankshaft. For full revolution clutch presses with more than one engaging point, Tm shall be calculated as follows:

$$T_m = \left\{ \begin{array}{l} 1 \\ 2 \end{array} + \frac{1}{\text{Number of engaging points per revolution}} \right\} \times \text{time necessary to complete one revolution of the crankshaft (seconds)}$$

(iv) Two hand trips shall be fixed in position so that only a supervisor or safety engineer is capable of relocating the controls.

((††) [Reserved];)

(4) Hand feeding tools. Hand feeding tools are intended for placing and removing materials in and from the press. Hand feeding tools are not a point of operation guard or protection device and shall not be used in lieu of the "guards" or devices required in this section.

(5) Additional requirements for safeguarding. Where the operator feeds or removes parts by placing one or both hands in the point of operation, and a two hand control, presence sensing device of Type B gate or movable barrier (on a part revolution clutch) is used for safeguarding:

((††) (a) The employer shall use a control system and a brake monitor which comply with subsections 19505(13) and (14) of this section. This requirement shall be complied with by November 1, 1975;

((††) (b) The exception in item 19505(7)(e)(iv) of this section for two hand controls manufactured and installed before August 31, 1971, is not applicable under this subsection 19507(5);

((†††) (c) The control of air clutch machines shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur, where a part revolution clutch is employed. The exception in subdivision 19505(7)(k) of this section for controls manufactured and installed before August 31, 1971, is not applicable under this subsection 19507(5).

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-19509 DESIGN, CONSTRUCTION, SETTING AND FEEDING OF DIES.** (1) General requirements. Effective February 1, 1975, the employer shall:

(a) Use dies and operating methods designed to control or eliminate hazards to operating personnel, and

(b) Furnish and enforce the use of hand tools for freeing and removing stuck work or scrap pieces from the die, so that no employee need reach into the point of operation for such purposes.

(2) ((†) [Reserved];)

((††) Scrap handling. The employer shall provide means for handling scrap from roll feed or random length stock operations. Scrap cutters used in conjunction with scrap handling systems shall be safeguarded in accordance with section 19505 and with WAC 296-24-205, Mechanical Power-Transmission Apparatus.

((†††) (3) Guide post hazard. The hazard created by a guide post (when it is located in the immediate vicinity of the operator) when

separated from its bushing by more than one-fourth inch shall be considered as a point of operation hazard and be protected in accordance with section 19507.

((††) (4) Unitized tooling. If unitized tooling is used, the opening between the top of the punch holder and the face of the slide, or striking pad, shall be safeguarded in accordance with the requirements of section 19505.

((††) (5) Tonnage, stroke and weight designation. All dies shall be:

(a) Stamped with the tonnage and stroke requirements, or have these characteristics recorded if these records are readily available to the die setter;

(b) Stamped to indicate upper die weight when necessary for air counterbalance pressure adjustment; and

(c) Stamped to indicate complete die weight when handling equipment may become overloaded.

((††) (6) Die fastening. Provision shall be made in both the upper and lower shoes for securely mounting the die to the bolster and slide. Where clamp caps or setscrews are used in conjunction with punch stems, additional means of securing the upper shoe to the slide shall be used.

((††) (7) Die handling. Handling equipment attach points shall be provided on all dies requiring mechanical handling.

((††) (8) Diesetting.

(a) The employer shall establish a diesetting procedure that will insure compliance with section 19505.

(b) The employer shall provide spring loaded turnover bars, for presses designed to accept such turnover bars.

(c) The employer shall provide die stops or other means to prevent losing control of the die while setting or removing dies in presses which are inclined.

(d) The employer shall provide and enforce the use of safety blocks for use whenever dies are being adjusted or repaired in the press.

(e) The employer shall provide brushes, swabs, lubricating rolls and automatic or manual pressure guns so that operators and diesetters shall not be required to reach into the point of operation or other hazard areas to lubricate material, punches or dies.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-19513 OPERATION OF POWER PRESSES.** (1)

((†) Employment of minors. The employer shall permit no one under 18 years of age to operate or assist in the operation of machinery covered in this section, except that this section shall not be deemed to prohibit the employment of persons who are 16 or 17 years of age in an apprenticeship training program which meets the requirements contained in chapter 49-04 RCW, Apprenticeship.

((†) Instruction to operators. The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this section. The employer shall insure by adequate supervision that correct operating procedures are being followed.

((†) (2) Work area. The employer shall provide clearance between machines so that movement of one operator will not interfere with the work of another. Ample room for cleaning machines, handling material, work pieces, and scrap shall also be provided. All surrounding floors shall be kept in good condition and free from obstructions, grease, oil and water.

((†) (3) Overloading. The employer shall operate his presses within the tonnage and attachment weight ratings specified by the manufacturer.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20505 PRIME-MOVER GUARDS.** (1) Flywheels. Flywheels located so that any part is seven ((†)) feet or less above floor or platform shall be guarded in accordance with the requirements of this section:

(a) With an enclosure of sheet, perforated, or expanded metal, or woven wire;

(b) With guard rails placed not less than fifteen ((††)) inches nor more than twenty ((††)) inches from rim. When flywheel extends into pit or is within 12 inches of floor, a standard toeboard shall also be provided;

(c) When the upper rim of flywheel protrudes through a working floor, it shall be entirely enclosed or surrounded by a guardrail and toeboard.

(d) For flywheels with smooth rims five ~~((5))~~ feet or less in diameter, where the preceding methods cannot be applied, the following may be used: A disk attached to the flywheel in such manner as to cover the spokes of the wheel on the exposed side and present a smooth surface and edge, at the same time providing means for periodic inspection. An open space, not exceeding four ~~((4))~~ inches in width, may be left between the outside edge of the disk and the rim of the wheel if desired, to facilitate turning the wheel over. Where a disk is used, the keys or other dangerous projections not covered by disk shall be cut off or covered. This subdivision does not apply to flywheels with solid web centers;

(e) Adjustable guard to be used for starting engine or for running adjustment may be provided at the flywheel of gas or oil engines. A slot opening for jack bar will be permitted;

(f) Wherever flywheels are above working areas, guards shall be installed having sufficient strength to hold the weight of the flywheel in the event of a shaft or wheel mounting failure.

(2) Cranks and connecting rods. Cranks and connecting rods, when exposed to contact shall be guarded in accordance with WAC 296-24-20527 and WAC 296-24-20529, or by a guardrail as described in WAC 296-24-20531(5).

(3) Tail rods or extension piston rods. Tail rods or extension piston rods shall be guarded in accordance with WAC 296-24-20527 and WAC 296-24-20529, or by a guardrail on sides and end, with a clearance of not less than fifteen ~~((15))~~ nor more than twenty ~~((20))~~ inches when rod is fully extended.

~~((4) Governor Balls. Governor Balls six (6) feet or less from the floor or other working level, when exposed to contact, shall be provided with an enclosure extending to the top of the governor balls when at their highest position. The material used in the construction of this enclosure shall conform to WAC 296-24-20525 and WAC 296-24-20529.))~~

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20507 SHAFTING.** (1) Installation.

(a) Each continuous line of shafting shall be secured in position against excessive endwise movement.

(b) Inclines and vertical shafts, particularly inclined idler shafts, shall be securely held in position against endwise thrust.

(2) Guarding horizontal shafting.

(a) All exposed parts of horizontal shafting seven ~~((7))~~ feet or less from floor or working platform excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires.

(b) Shafting under bench machines shall be enclosed by a stationary casing, or by a trough at sides and top or sides and bottom, as location requires. The sides of the trough shall come within at least six ~~((6))~~ inches of the under side of table, or if shafting is located near floor within six ~~((6))~~ inches of floor. In every case the sides of trough shall extend at least two ~~((2))~~ inches beyond the shafting or protuberance.

(3) Guarding vertical and inclines shafting. Vertical and inclines shafting seven ~~((7))~~ feet or less from floor or working platform, excepting maintenance runways, shall be enclosed with a stationary casing in accordance with requirements of WAC 296-24-20527 and WAC 296-24-20531.

(4) Projecting shaft ends.

(a) Projecting shaft ends shall present a smooth edge and end and shall not project more than one-half the diameter of the shaft unless guarded by nonrotating caps or safety sleeves.

(b) Unused keyways shall be filled up or covered.

(5) Power-transmission apparatus located in basements. All mechanical power transmission apparatus located in basements, towers, and rooms used exclusively for power transmission equipment shall be guarded in accordance with this section, except that the requirements for safeguarding belts, pulleys, and shafting need not be complied with when the following requirements are met:

(a) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance.

(b) 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 ~~((5 ft. 6 in.))~~.

(c) The intensity of illumination conforms to the requirements of ANSI A11.1-1965 (R-1970).

(d) ~~((The footing is dry, firm, and level.~~

~~((e))~~ The route followed by the oiler is protected in such manner as to prevent accident.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20509 PULLEYS.** (1) Guarding. Pulleys, any parts of which are seven ~~((7))~~ feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in WAC 296-24-20527 and WAC 296-24-20531. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches ~~((6 ft. 6 in.))~~ from the floor or platform may be guarded with a disk covering the spokes.

(2) Location of pulleys.

(a) Unless the distance to the nearest fixed pulley, clutch, or hanger exceeds the width of the belt used, a guide shall be provided to prevent the belt from leaving the pulley on the side where insufficient clearance exists.

(b) Where there are overhanging pulleys on line, jack, or counter-shafts with no bearing between the pulley and the outer end of the shaft, a guide to prevent the belt from running off the pulley should be provided.

(3) Broken pulleys. Pulleys with cracks, or pieces broken out of rims, shall not be used.

(4) Pulley speeds. Pulleys intended to operate at rim speed in excess of manufacturers normal recommendations shall be specially designed and carefully balanced for the speed at which they are to operate.

~~((5) Compositions and Wood Pulleys. Composition or laminated wood pulleys shall not be installed where they are subjected to influences detrimental to their structural composition.))~~

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20511 BELT, ROPE, AND CHAIN DRIVES.** (1) Horizontal belts and ropes.

(a) Where both runs of horizontal belts are seven ~~((7))~~ feet or less from the floor level, the guard shall extend to at least fifteen ~~((15))~~ inches above the belt or to a standard height (see Table O-12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with WAC 296-24-20527 and WAC 296-24-20531.

(b) In powerplants or powerdevelopment rooms, a guardrail may be used in lieu of the guard required by (1)(a) of this section.

(2) Overhead horizontal belts.

(a) Overhead horizontal belts, with lower parts seven ~~((7))~~ feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with WAC 296-24-20531(3).

(b) Horizontal overhead belts more than seven ~~((7))~~ feet above floor or platform shall be guarded for their entire length under the following conditions:

(i) If located over passageways or work places and traveling 1,800 feet or more per minute.

(ii) If center to center distance between pulleys is ten ~~((10))~~ feet or more.

(iii) If belt is eight ~~((8))~~ inches or more in width.

(c) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:

(i) Completely barred by a guardrail or other barrier in accordance with WAC 296-24-20527 and WAC 296-24-20531; or

(ii) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects carried by him. In powerplants only the lower run of the belt need be guarded.

(d) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts.

~~((e) American or Continuous System rope drives so located that the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with a telltale device (preferably electric-belt type) that will give warning when rope begins to fray.))~~

(3) Vertical and inclined belts.

(a) Vertical and inclined belts shall be enclosed by a guard conforming to standards in WAC 296-24-20527 and WAC 296-24-20531.

(b) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven ((7)) feet is maintained between belt and floor at any point outside of guard.

(4) Vertical belts. Vertical belts running over a lower pulley more than seven ((7)) feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in (2)(b)(i) and (iii) of this section.

(5) Cone-pulley belts.

(a) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone.

(b) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection.

(c) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

(6) Belt tighteners.

(a) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tightener from falling, in case the belt breaks.

(b) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident.

(c) Belt tighteners, used for starting and stopping machinery, other than those which are securely held in "off" or "out of service" position by gravity, shall be provided with means or mechanism that will securely hold the belt tightener away from the belt when the machine or part thereof driven by the belt is not in use. Such means or mechanism shall be automatic in its action in gripping, latching or otherwise fastening itself to and holding the belt tightener in "off" or "out of service" position until manually released. (Released by hand.)

(d) Counterbalanced belt tighteners and all parts thereof shall be of substantial construction, and securely fastened. The bearings shall be securely capped. If exposed to contact, means shall be installed to catch the belt tightener, to prevent tightener from falling on any person below, should the belt break or throw the tightener.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20521 BEARINGS AND FACILITIES FOR OILING.** ((Self-lubricating bearings are recommended and)) All drip cups and pans shall be securely fastened.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20523 GUARDING OF CLUTCHES, CUTOFF COUPLINGS, AND CLUTCH PULLEYS.** (1) Guards. Clutches, cutoff couplings, or clutch pulleys having projecting parts, where such clutches are located seven ((7)) feet or less above the floor or working platform, shall be enclosed by a stationary guard constructed in accordance with WAC 296-24-20527. A "U" type guard is permissible.

(2) Engineer rooms. In engineer rooms a guardrail, preferably with toe-board, may be used instead of the guard required by (1) of this section, provided such a room is occupied only by engineer room attendants.

((3) Bearings. A bearing support immediately adjacent to a friction clutch or cutoff coupling shall have self-lubricating bearings requiring attention at infrequent intervals.))

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-20525 BELT SHIFTERS, CLUTCHES, SHIFTERS, POLES, PERCHES, AND FASTENERS.** (1) Belt shifters.

(a) Tight and loose pulleys on all installations made on or after August 27, 1971, shall be equipped with a permanent belt shifter provided with mechanical means to prevent belt from creeping from loose to

tight pulley. It is recommended that old installations be changed to conform to this rule.

(b) Belt shifter and clutch handles shall be rounded and be located as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handles shall be cut off six feet six inches ((6 ft.-6 in.)) above floor level.

(c) All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. This does not apply to friction clutch on countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three positions and the machine is at a standstill when clutch handle is in the neutral or center position.

(2) Belt shippers and shipper poles. The use of belt poles as substitutes for mechanical shifters is not recommended. ((Where necessity compels their use, they shall be of sufficient size to enable workmen to grasp them securely. (A two-inch (2 in.) diameter or 1 1/2 by 2 inches cross-section is suggested.) Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should extend from the top of the pulley to within about forty (40) inches of floor or working platform.))

(3) Belt perches. Where loose pulleys or idlers are not practicable, belt perches in form of brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.

(4) Belt fasteners. Belts which of necessity must be shifted by hand and belts within seven ((7)) feet of the floor or working platform which are not guarded in accordance with WAC 296-24-20527 shall not be fastened with metal in any case, nor with any other fastening which by construction or wear will constitute an accident hazard.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20527 STANDARD GUARDS—GENERAL REQUIREMENTS.** (1) Materials.

(a) Standard conditions shall be secured by the use of the following materials. Expanded metal, perforated or solid sheet metal, wire mesh on a frame of angle iron, or iron pipe securely fastened to floor or to frame of machine.

(b) All metal should be free from burrs and sharp edges.

((c) Wire mesh should be of the type in which the wires are securely fastened at every cross point either by welding, soldering, or galvanizing, except in case of diamond or square wire mesh made of No. 14 gage wire, 3/4-inch mesh or heavier.))

(2) Methods of manufacture. ((3)) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame ((by one of the following methods:

(i) With rivets or bolts spaced not more than five (5) inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts:

(ii) By welding to frame every four (4) inches.

(iii) By weaving through channel or angle frame, or if No. 14 gage 3/4-inch mesh or heavier is used by bending entirely around rod frames.

(iv) Where openings in pipe railing are to be filled in with expanded metal, wire mesh or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than five (5) inches center to center. The bound panels shall be fastened to the railing by sheet metal clips spaced not more than five (5) inches center to center.

(v) Diamond or square mesh made of crimped wire fastened into channels, angle or round iron frames, may also be used as a filter in guards. Size of mesh shall correspond to Table O-12.

(b) Where the design of guards requires filter material of greater area than 12 square feet, additional frame members shall be provided to maintain panel area within this limit.

(c) All joints of framework shall be made equivalent in strength to the material of the frame.))

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-20531 APPROVED MATERIALS.** (1) Minimum requirements. The materials and dimensions specified in this section shall apply to all guards, except horizontal overhead belts, rope, cable, or chain guards more than seven ((7)) feet above floor, or platform. ((For the latter, see Table O-13.))

(a) Minimum dimensions of materials for the framework of all guards, except as noted in (1)(a)(iii) of this section shall be angle iron 1 1/2 inch by 1 inch by 1/8 inch, metal pipe of 3/4 inch inside diameter or metal construction of equivalent strength.

(ii) All guards shall be rigidly braced every three ((3)) feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment additional strength may be necessary.

(iii) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1 1/2 inch by 1 1/2 inch by 1/8 inch angle iron, metal pipe of 1 1/2 inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto. Cylindrical guards shall have at least three supporting members carried to floor.

(iii) Guards thirty (30) inches or less in height and with a total surface area not in excess of ten (10) square feet may have a frame work of 3/8 inch solid rod, 3/4 inch by 3/4 inch by 1/8 inch angle, or metal construction of equivalent strength. The filling material shall correspond to the requirements of Table O-12.

(b) The specifications given in Table O-12 and (1)(a) of this section are minimum requirements, where guards are exposed to unusual wear, deterioration or impact, heavier material and construction should be used to protect amply against the specific hazards involved:)

(2) Wood guards.

(a) Wood guards may be used in the woodworking and chemical industries, in industries where the presence of fumes or where manufacturing conditions would cause the rapid deterioration of metal guards; also in construction work and in locations outdoors where extreme cold or extreme heat make metal guards and railings undesirable. In all other industries, wood guards shall not be used.

((i) Wood shall be sound, tough, and free from any loose knots.

(ii) Guards shall be made of planed lumber not less than one (1) inch rough board measure, and edges and corners rounded off.

(iii) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.

(iv) While no definite dimensions are given under this heading for framework or filler materials, wood guards shall be equal in strength and rigidity to metal guards specified in (1)(a) and (b) of this section and Table O-12.

(v) For construction of standard wood railing, see (5) of this section:)

(3) Guards for horizontal overhead belts.

(a) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or be carried to the nearest wall, thus enclosing the belt effectively. Where belts are so located as to make it impracticable to carry the guard to wall or ceiling, construction of guard shall be such as to enclose completely the top and bottom runs of belt and the face of pulleys.

(b) (The guard and all its supporting members shall be securely fastened to wall or ceiling by gimlet-point lag screws or through bolts. In case of masonry construction, expansion bolts shall be used. The use of bolts placed horizontally through floor beams or ceiling rafters is recommended.

(c)) Suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams, where such is necessary, to sustain safely the weight and stress likely to be imposed by the guard. The interior surface of all guards, by which is meant the surface of the guard with which a belt will come in contact, shall be smooth and free from all projections of any character, except where construction demands it; protruding shallow roundhead rivets may be used. Overhead belt guards shall be at least one-quarter wider than belt which they protect, except that this clearance need not in any case exceed six ((6)) inches on each side. Overhead rope drive and block and roller-chain-drive guards shall be not less than six ((6)) inches wider than the drive on each side. In overhead silent chain-drive guards where the chain is held from lateral displacement on the sprockets, the side clearances required on drives of twenty ((20)) inch centers or under shall be not less than one-fourth inch from the nearest moving chain part, and on drives of over twenty ((20)) inch centers a minimum of one-half inch from the nearest moving chain part.

((d) Table O-13 gives the sizes of materials to be used and the general construction specifications of guards for belts ten (10) inches or more in width. No material for overhead belt guards should be

smaller than that specified in Table O-13 for belts ten (10) to fourteen (14) inches wide, even if the overhead belt is less than ten (10) inches in width. However, No. 20 gage sheet metal may be used as a filler on guards for belts less than ten (10) inches wide. Expanded metal, because of the sharp edges, should not be used as a filler in horizontal belt guards.

(e) For clearance between guards and belts, ropes or chains of various center to center dimensions between the shafts, see bottom of Table O-13:)

(4) Guards for horizontal overhead-rope and chain-drives. Overhead-rope and chain-drive guard construction shall conform to the rules for overhead-belt guard construction ((of similar width, except that the filler material shall be of the solid type as shown in Table O-13, unless the fire hazard demands the use of open construction. A side guard member of the same solid filling material should be carried up in a vertical position two (2) inches above the level of the lower run of the rope or chain drive and two (2) inches within the periphery of the pulleys which the guard encloses thus forming a trough. These side filler members should be reinforced on the edges with 1 1/2 inch by 1/4 inch flat steel, riveted to the filling material at not greater than eight (8) inch centers, the reinforcing strip should be fastened or bolted to all guard supporting members with at least one 3/8 inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts. The filling material shall be fastened to the framework of the guard and the filler supports by 3/16 inch rivets spaced on 4 inch centers. The width of the multiple drive shall be determined by measuring the distance from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley)).

(5) Guardrails and toeboards.

(a) Guardrail shall be forty-two ((42)) inches in height, with midrail between top rail and floor.

(b) Posts shall be not more than eight ((8)) feet apart; they are to be permanent and substantial, smooth, and free from protruding nails, bolts, and splinters. If made of pipe, the post shall be one and one-fourth ((1 1/4)) inches inside diameter, or larger. If made of metal shapes or bars, their section shall be equal in strength to that of one and one-half ((1 1/2)) by one and one-half ((1 1/2)) by three-sixteenths ((3/16)) inch angle iron. If made of wood, the posts shall be two by four ((2 x 4)) inches or larger. The upper rail shall be two by four ((2 x 4)) inches, or two one by four ((1 x 4)) strips, one at the top and one at the side of posts. The midrail may be one by four ((1 x 4)) inches or more. The rails (metal shapes, metal bars, or wood), should be on that side of the posts which gives the best protection and support. Where panels are fitted with expanded metal or wire mesh as noted in Table O-12 the middle rails may be omitted. Where guard is exposed to contact with moving equipment, additional strength may be necessary.

(c) Toeboards shall be four ((4)) inches or more in height, of wood, metal, or of metal grill not exceeding one ((1)) inch mesh. Toeboards at flywheel pits should preferably be placed as close to edge of the pit as possible.

((TABLE O-12

TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
				Feet
Woven wire	Under 2	3/8	No. 16	7
	2-4	1/2	No. 16	7
	Under 4	1/2	No. 16	7
Expanded metal	4-15	2	No. 12	7
	Under 4	1/2	No. 18	7
	4-15	2	No. 13	7
Perforated metal	Under 4	1/2	No. 20	7
	4-15	2	No. 14	7
	Under 4		No. 22	7
Sheet metal	4-15		No. 22	7

((TABLE O-12-

TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
	Inches	Inches	Inches	Feet
Wood or metal strip crossed	Under 4	3/8	Wood 3/4	
	4-15	2	Metal No. 16	7
			Wood 3/4	
			Metal No. 16	7
Wood or metal strip not crossed	Under 4	1/2 width	Wood 3/4	
	4-15	1 width	Metal No. 16	7
			Wood 3/4	
			Metal No. 16	7
Standard rail	Min. 15			
	Max. 20			

((TABLE O-12-

TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
	Inches	Inches	Inches	Feet
Woven wire	Under 2	3/8	No. 16	7
	2-4	1/2	No. 16	7
	Under 4	1/2	No. 16	7
	4-15	2	No. 12	7
Expanded metal	Under 4	1/2	No. 18	7
	4-15	2	No. 13	7
Perforated metal	Under 4	1/2	No. 20	7
	4-15	2	No. 14	7
Sheet metal	Under 4		No. 22	7
	4-15		No. 22	7
Wood or metal strip crossed	Under 4	3/8	Wood 3/4	7
	4-15	2	Wood 3/4	7
Wood or metal strip not crossed	Under 4	1/2 width	Wood 3/4	7
	4-15	1 width	Wood 3/4	7
Standard rail	Min. 15			
	Max. 20			

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-20533 CARE OF EQUIPMENT.** (1) General. All power-transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.

(2) Shafting.

(a) Shafting shall be kept in alignment, free from rust and excess oil or grease.

(b) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered.

(3) Bearings. Bearings shall be kept in alignment and properly adjusted.

(4) Hangers. Hangers shall be inspected to make certain that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

(5) Pulleys.

(a) Pulleys shall be kept in proper alignment to prevent belts from running off.

(b) One or both pulleys carrying a nonshifting belt should have crowned faces.

(c) Cast-iron pulleys should be tested frequently with a hammer to disclose cracks in rim or spokes. It should be borne in mind that the sound is usually much different if the belt is or is not on the pulley.

(d) Split pulleys should be inspected to ascertain if all bolts holding together the sections of the pulley are tight.

(6) Care of belts.

(a) ((Quarter-twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed.

(b)) Inspection shall be made of belts, lacings, and fasteners and such equipment kept in good repair.

((c)) (b) Where possible, dressing should not be applied when belt or rope is in motion; but, if this is necessary, it should be applied where belts or rope leave pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable.

(7) Lubrication. The regular oilers shall wear tightfitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, wherever possible.

TABLE O-13

**HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS 7 FEET OR MORE ABOVE FLOOR OR PLATFORM**

{TABLE O-13: Part 1-0' to 14'}

	Width	Material
	From 0' to 14' inclusive	
<b>MEMBERS</b>		
Framework	1 1/2"x1 1/2"x1/4"	Angle iron.
Filler (belt guards)	1 1/2"x3/16"	Flat iron.
Filler and vertical side member.	No. 20 A.W.G.	Solid sheet metal.
Filler supports	2"x5/16" flat iron	Flat and angle.
Guard supports	2"x5/16"	Flat iron.
<b>FASTENINGS</b>		
Filler supports to framework	(2) 3/16"	Rivets.
Filler flats to supports (belt guards).	(1) 5/16"	Flush rivets.
Filler to frame and supports (chain guards).	3/16" rivets spaced	
Guard supports to frame work.	(2) 3/6"	Rivets or bolts.
Guard and supports to overhead ceiling.	1/4"x3 1/2" lag screws or 1/2" bolts.	Lag screws or bolts.

[TABLE O-13: Part 1—0" to 14"]

	Width	
	From 0" to 14" inclusive	Material

~~DETAILS—SPACING, ETC.~~

~~Width of guards~~ ~~One quarter wider than belt, rope, or chain drive.~~  
~~Spacing between filler supports.~~ ~~20" C. to C.~~  
~~Spacing between filler flats (belt guards).~~ ~~2" apart~~  
~~Spacing between guard supports.~~ ~~36" C. to C.~~

~~OTHER BELT GUARD FILLING PERMITTED~~

~~Sheet metal fastened as in chain guards.~~ ~~No. 20 A.W.G.~~ ~~Solid or perforated.~~  
~~Woven wire, 2" mesh~~ ~~No. 12 A.W.G.~~

~~CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD~~

~~Distance center to center of shafts.~~ ~~Up to 15' inclusive~~ ~~Over 40'.~~  
~~Clearance from belt, or chain to guard.~~ ~~6"~~ ~~20".~~

{TABLE O-13: Part 2—Over 14" to 24"}

	Width	
	Over 14" to 24" inclusive	Material

~~MEMBERS~~

~~Framework~~ ~~2" x 2" x 5/16"~~ ~~Angle iron.~~  
~~Filler (belt guards)~~ ~~2" x 3/16"~~ ~~Flat iron.~~  
~~Filler and vertical side member.~~ ~~No. 10 A.W.G.~~ ~~Solid sheet metal.~~  
~~Filler supports~~ ~~2" x 3/8" flat iron~~ ~~Flat and angle.~~  
~~Guard supports~~ ~~2" x 3/8"~~ ~~Flat iron.~~

~~FASTENINGS~~

~~Filler supports to framework~~ ~~(2) 3/6"~~ ~~Rivets.~~  
~~Filler flats to supports (belt guards).~~ ~~(1) 5/16"~~ ~~Flush rivets.~~  
~~Filler to frame and supports (chain guards).~~ ~~8" centers on sides and 4" centers on bottom.~~  
~~Guard supports to frame work.~~ ~~(2) 7/16"~~ ~~Rivets or bolts.~~  
~~Guard and supports to overhead ceiling.~~ ~~5/8" x 4" lag screws or 5/8" bolts.~~ ~~Lag screws or bolts.~~

~~DETAILS—SPACING, ETC.~~

~~Width of guards~~  
~~Spacing between filler supports.~~ ~~16" C. to C.~~  
~~Spacing between filler flats (belt guards).~~ ~~2 1/2" apart~~  
~~Spacing between guard supports.~~ ~~36" C. to C.~~

~~OTHER BELT GUARD FILLING PERMITTED~~

~~Sheet metal fastened as in chain guards.~~ ~~No. 10 A.W.G.~~ ~~Solid or perforated.~~  
~~Woven wire, 2" mesh~~ ~~No. 10 A.W.G.~~

[TABLE O-13: Part 2—Over 14" to 24"]

	Width	
	Over 14" to 24" inclusive	Material

~~CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD~~

~~Distance center to center of shafts.~~ ~~Over 15' to 25' inclusive.~~ ~~Over 40'.~~  
~~Clearance from belt, or chain to guard.~~ ~~10"~~ ~~20".~~

{TABLE O-13: Part 3—Over 24"}

	Width	
	Over 24"	Material

~~MEMBERS~~

~~Framework~~ ~~3" x 3" x 3/8"~~ ~~Angle iron.~~  
~~Filler (belt guards)~~ ~~2" x 5/16"~~ ~~Flat iron.~~  
~~Filler and vertical side member.~~ ~~No. A.W.G.~~ ~~Solid sheet metal.~~  
~~Filler supports~~ ~~2 1/2" x 2 1/2" x 1/4" angle~~ ~~Flat and angle.~~  
~~Guard supports~~ ~~2 1/2" x 3/8"~~ ~~Flat iron.~~

~~FASTENINGS~~

~~Filler supports to framework~~ ~~(3) 1/2"~~ ~~Rivets.~~  
~~Filler flats to supports (belt guards).~~ ~~(2) 3/8"~~ ~~Flush rivets.~~  
~~Filler to frame and supports (chain guards).~~  
~~Guard supports to frame work.~~ ~~(2) 5/8"~~ ~~Rivets or bolts.~~  
~~Guard and supports to overhead ceiling.~~ ~~3/4" x 6" lag screws or 3/4" bolts.~~ ~~Lag screws or bolts.~~

~~DETAILS—SPACING, ETC.~~

~~Width of guards~~  
~~Spacing between filler supports.~~ ~~16" C. to C.~~  
~~Spacing between filler flats (belt guards).~~ ~~4" apart~~  
~~Spacing between guard supports.~~ ~~36" C. to C.~~

~~OTHER BELT GUARD FILLING PERMITTED~~

~~Sheet metal fastened as in chain guards.~~ ~~No. 10 A.W.G.~~ ~~Solid or perforated.~~  
~~Woven wire, 2" mesh~~ ~~No. 8 A.W.G.~~

~~CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD~~

~~Distance center to center of shafts.~~ ~~Over 25' to 40' inclusive.~~ ~~Over 40'.~~  
~~Clearance from belt, or chain to guard.~~ ~~15"~~ ~~20".~~

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-23035 MAINTENANCE OF INDUSTRIAL TRUCKS. (1) Any power operated industrial truck not in safe operating condition shall be removed from service. All repairs shall be made by authorized personnel.

(2) No repairs shall be made in Classes I, II, and III locations.



(3) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated for such repairs.

(4) Trucks in need of repairs to the electrical system shall have the battery disconnected prior to such repairs.

(5) All parts of any such industrial truck requiring replacement shall be replaced only by parts equivalent as to safety with those used in the original design.

(6) Industrial trucks shall not be altered so that the relative positions of the various parts are different from what they were when originally received from the manufacturer, nor shall they be altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts, except as provided in WAC 296-24-23003. Additional counterweighting of fork trucks shall not be done unless approved by the truck manufacturer.

(7) Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily.

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

(8) Water mufflers shall be filled daily or as frequently as is necessary to prevent depletion of the supply of water below 75 percent of the filled capacity. Vehicles with mufflers having screens or other parts that may become clogged shall not be operated while such screens or parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system shall immediately be removed from service, and not returned to service until the cause for the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any truck is found to be in excess of its normal operating temperature, thus creating a hazardous condition, the vehicle shall be removed from service and not returned to service until the cause for such overheating has been eliminated.

(10) Industrial trucks shall be kept in a clean condition, free of lint, excess oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100°F.) solvents shall not be used. High flash point (at or above 100°F.) solvents may be used. Precautions regarding toxicity, ventilation, and fire hazard shall be consonant with the agent or solvent used.

~~(11) ((Where it is necessary to use antifreeze in the engine cooling system, only those products having glycol base shall be used.~~

~~(+2))~~ Industrial trucks originally approved for the use of gasoline for fuel may be converted to liquefied petroleum gas fuel provided the complete conversion results in a truck which embodies the features specified for LP or LPS designated trucks. Such conversion equipment shall be approved. The description of the component parts of this conversion system and the recommended method of installation on specific trucks are contained in the "Listed by Report".

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-24511 MAINTENANCE.** (1) Preventive maintenance. A preventive maintenance program based on the derrick manufacturer's recommendations shall be established.

(2) Maintenance procedure.

(a) Before adjustments and repairs are started on a derrick the following precautions shall be taken:

(i) The derrick to be repaired shall be arranged so it will cause the least interference with other equipment and operations in the area.

(ii) All hoist drum dogs shall be engaged.

(iii) The main or emergency switch shall be locked in the open position, if an electric hoist is used.

(iv) Warning or out of order signs shall be placed on the derrick and hoist.

(v) The repairs of booms or derricks shall either be made when the booms are lowered and adequately supported or safely tied off.

(vi) A good communication system shall be set up between the hoist operator and the appointed individual in charge of the derrick operations before any work on the equipment is started.

~~((vii) Welding repairs shall be approved by an appointed person:))~~

(b) After adjustments and repairs have been made the derrick shall not be operated until all guards have been reinstalled, safety devices reactivated, and maintenance equipment removed.

(3) Adjustments and repairs.

(a) Any unsafe conditions disclosed by inspection shall be corrected before operation of the derrick is resumed.

(b) Adjustments shall be maintained to assure correct functioning of components.

(c) Repairs or replacements shall be provided promptly as needed for safe operation. The following are examples of conditions requiring prompt repair or replacement:

(i) Hooks showing defects described in WAC 296-24-24507(2)(f) shall be discarded.

(ii) All critical parts which are cracked, broken, bent, or excessively worn.

~~(iii) ((Pitted or burned electrical contacts should be corrected only by replacement and in sets. Controller parts should be lubricated as recommended by the manufacturer.~~

~~(iv))~~ All replacement and repaired parts shall have at least the original safety factor.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-32003 BULK OXYGEN SYSTEMS.** (1) Definitions. As used in this section: A bulk oxygen system is an assembly of equipment, such as oxygen storage containers, pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping, which has storage capacity of more than 13,000 cubic feet of oxygen, Normal Temperature and Pressure (NTP), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (NTP) including unconnected reserves on hand at the site. The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line. The oxygen containers may be stationary or movable, and the oxygen may be stored as gas or liquid.

(2) Location.

(a) General. Bulk oxygen storage systems shall be located above ground out of doors, or shall be installed in a building of noncombustible construction, adequately vented, and used for that purpose exclusively. The location selected shall be such that containers and associated equipment shall not be exposed by electric power lines, flammable or combustible liquid lines, or flammable gas lines.

(b) Accessibility. The system shall be located so that it is readily accessible to mobile supply equipment at ground level and to authorized personnel.

(c) Leakage. Where oxygen is stored as a liquid, noncombustible surfacing shall be provided in an area in which any leakage of liquid oxygen might fall during operation of the system and filling of a storage container. For purposes of these standards, asphaltic or bituminous paving is considered to be combustible.

(d) Elevation. When locating bulk oxygen systems near above ground flammable or combustible liquid storage which may be either indoors or outdoors, it is advisable to locate the system on ground higher than the flammable or combustible liquid storage.

(e) Dikes. Where it is necessary to locate a bulk oxygen system on ground lower than adjacent flammable or combustible liquid storage suitable means shall be taken (such as by diking, diversion curbs, or grading) with respect to the adjacent flammable or combustible liquid storage to prevent accumulation of liquids under the bulk oxygen system.

(3) Distance between systems and exposures.

(a) General. The minimum distance from any bulk oxygen storage container to exposures, measured in the most direct line except as indicated in (3)(f) and (g) of this section shall be as indicated in (3)(b) to (r) of this section inclusive.

(b) Combustible structures. Fifty feet from any combustible structures.

(c) Fire resistive structures. Twenty-five feet from any structures with fire-resistive exterior walls or sprinklered buildings or other construction, but not less than one-half the height of adjacent side wall of the structure.

(d) Openings. At least 10 feet from any opening in adjacent walls of fire resistive structures. Spacing from such structures shall be adequate to permit maintenance, but shall not be less than 1 foot.

(e) Flammable liquid storage above ground.

Distance (feet)	Capacity (gallons)
50	0-1000
90	1001 or more



(f) Flammable liquid storage below ground.

Distance measured horizontally from oxygen storage container to flammable liquid tank (feet)	Distance from oxygen storage container to filling and vent connections or openings to flammable liquid tank (feet)	Capacity gallons
15 _____	50 _____	0-1000
30 _____	50 _____	1001 or more

(g) Combustible liquid storage above ground.

Distance (feet)	Capacity (gallons)
25 _____	0-1000
50 _____	1001 or more

(h) Combustible liquid storage below ground.

Distance measured horizontally from oxygen storage container to combustible liquid tank (feet)	Distance from oxygen storage container to filling and vent connections or openings to combustible liquid tank (feet)
15 _____	40 _____

(i) Flammable gas storage. (such as compressed flammable gases, liquefied flammable gases and flammable gases in low pressure gas holders):

Distance (feet)	Capacity (cu. ft. NTP)
50 _____	Less than 5000
90 _____	5000 or more

(j) Highly combustible materials. Fifty feet from solid materials which burn rapidly, such as excelsior or paper.

(k) Slow-burning materials. Twenty-five feet from solid materials which burn slowly, such as coal and heavy timber.

(l) Ventilation. Seventy-five feet in one direction and 35 feet in approximately 90° direction from confining walls (not including firewalls less than 20 feet high) to provide adequate ventilation in courtyards and similar confining areas.

(m) Congested areas. Twenty-five feet from congested areas such as offices, lunchrooms, locker rooms, time clock areas, and similar locations where people may congregate.

(n) ((Public areas. Fifty feet from places of public assembly.

(o) Patients. Fifty feet from areas occupied by nonambulatory patients.

(p) Sidewalks. Ten feet from any public sidewalk.

(q) Adjacent property. Five feet from any line of adjoining property.

(r)) Exceptions. The distances in (3)(b), (c), (e) to (k) inclusive, and (p) and (q) of this section do not apply where protective structures such as firewalls of adequate height to safeguard the oxygen storage systems are located between the bulk oxygen storage installation and the exposure. In such cases, the bulk oxygen storage installation may be a minimum distance of 1 foot from the firewall.

(4) Storage containers.

(a) Foundations and supports. Permanently installed containers shall be provided with substantial noncombustible supports on firm noncombustible foundations.

(b) Construction—liquid. Liquid oxygen storage containers shall be fabricated from materials meeting the impact test requirements of paragraph UG-84 of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968. Containers operating at pressures above 15 pounds per square inch gage (p.s.i.g.) shall be designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VII—Unfired Pressure Vessels—1968. Insulation surrounding the liquid oxygen container shall be noncombustible.

(c) Construction—gaseous. High-pressure gaseous oxygen containers shall comply with one of the following:

(i) Designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968.

(ii) Designed, constructed, tested, and maintained in accordance with DOT Specifications and Regulations.

(5) Piping, tubing, and fittings.

(a) Selection. Piping, tubing, and fittings shall be suitable for oxygen service and for the pressures and temperatures involved.

(b) Specification. Piping and tubing shall conform to Section 2—Gas and Air Piping Systems of Code for Pressure Piping, ANSI, B31.1-1967 with addenda B31.10a-1969.

(c) Fabrication. Piping or tubing for operating temperatures below -20°F. shall be fabricated from materials meeting the impact test requirements of paragraph UG-84 of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968, when tested at the minimum operating temperature to which the piping may be subjected in service.

(6) Safety relief devices.

(a) General. Bulk oxygen storage containers, regardless of design pressure shall be equipped with safety relief devices as required by the ASME code or the DOT specifications and regulations.

(b) DOT containers. Bulk oxygen storage containers designed and constructed in accordance with DOT specification shall be equipped with safety relief devices as required thereby.

(c) ASME containers. Bulk oxygen storage containers designed and constructed in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessel—1968 shall be equipped with safety relief devices meeting the provisions of the Compressed Gas Association Pamphlet "Safety Relief Device Standards for Compressed Gas Storage Containers," S-1, Part 3.

(d) Insulation. Insulation casings on liquid oxygen containers shall be equipped with suitable safety relief devices.

(e) Reliability. All safety relief devices shall be so designed or located that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(7) Liquid oxygen vaporizers.

(a) Mounts and couplings. The vaporizer shall be anchored and its connecting piping be sufficiently flexible to provide for the effect of expansion and contraction due to temperature changes.

(b) Relief devices. The vaporizer and its piping shall be adequately protected on the oxygen and heating medium sections with safety relief devices.

(c) Heating. Heat used in an oxygen vaporizer shall be indirectly supplied only through media such as steam, air, water, or water solutions which do not react with oxygen.

(d) Grounding. If electric heaters are used to provide the primary source of heat, the vaporizing system shall be electrically grounded.

(8) Equipment assembly and installation.

(a) Cleaning. Equipment making up a bulk oxygen system shall be cleaned in order to remove oil, grease or other readily oxidizable materials before placing the system in service.

(b) Joints. Joints in piping and tubing may be made by welding or by use of flanged, threaded, slip, or compression fittings. Gaskets or thread sealants shall be suitable for oxygen service.

(c) Accessories. Valves, gages, regulators, and other accessories shall be suitable for oxygen service.

(d) Installation. Installation of bulk oxygen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

(e) Testing. After installation all field erected piping shall be tested and proved gas tight at maximum operating pressure. Any medium used for testing shall be oil free and nonflammable.

(f) Security. Storage containers, piping, valves, regulating equipment, and other accessories shall be protected against physical damage and against tampering.

(g) Venting. Any enclosure containing oxygen control or operating equipment shall be adequately vented.

(h) Placarding. The bulk oxygen storage location shall be permanently placarded to indicate: "OXYGEN—NO SMOKING—NO OPEN FLAMES", or an equivalent warning.

(i) Electrical wiring. Bulk oxygen installations are not hazardous locations as defined and covered in WAC 296-24-950 and 296-24-955. Therefore, general purpose or weatherproof types of electrical wiring and equipment are acceptable depending upon whether the installation is indoors or outdoors. Such equipment shall be installed in accordance

with the applicable provisions of WAC 296-24-950 and WAC 296-24-955.

(9) Operating instructions. For installations which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(10) Maintenance.

(a) The equipment and functioning of each charged bulk oxygen system shall be maintained in a safe operating condition in accordance with the requirements of this section. Wood and long dry grass shall be cut back within 15 feet of any bulk oxygen storage container.

**AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)**

**WAC 296-24-33005 TANK STORAGE.** (1) Design and construction of tanks.

(a) Materials. (i) Tanks shall be built of steel except as provided in (1)(a)(ii) through (v) of this section.

(ii) Tanks may be built of materials other than steel for installation underground or if required by the properties of the liquid stored. Tanks located above ground or inside buildings shall be of noncombustible construction.

(iii) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used.

(iv) Unlined concrete tanks may be used for storing flammable or combustible liquids having a gravity of 40° API or heavier. Concrete tanks with special lining may be used for other services provided the design is in accordance with sound engineering practice.

(v) ~~((Tanks may have combustible or noncombustible linings.~~

(vi) Special engineering consideration shall be required if the specific gravity of the liquid to be stored exceeds that of water or if the tanks are designed to contain flammable or combustible liquids at a liquid temperature below 0°F.

(b) Fabrication. ~~((i) Tanks may be of any shape or type consistent with sound engineering design.~~

(ii) Metal tanks shall be welded, riveted, and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be nonferrous metal or an alloy having a melting point above 1000°F. and below that of the metal joined.

(c) Atmospheric tanks. (i) Atmospheric tanks shall be built in accordance with acceptable good standards of design. Atmospheric tanks may be built in accordance with:

(A) Underwriters' Laboratories, Inc., Subjects No. 142, Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, 1968; No. 58, Standards for Steel Underground Tanks for Flammable and COMBUSTIBLE Liquids, Fifth Edition, December 1961; or No. 80, Standard for Steel Inside Tanks for Oil-Burner Fuel, September 1963.

(B) American Petroleum Institute Standards No. 12A, Specification for Oil Storage Tanks with Riveted Shells, Seventh Edition, September 1951, or No. 650, Welded Steel Tanks for Oil Storage, Third Edition, 1966.

(C) American Petroleum Institute Standards No. 12B, Specification for Bolted Production Tanks, Eleventh Edition, May 1958, and Supplement 1, March 1962; No. 12D, Specification for Large Welded Production Tanks, Seventh Edition, August 1957; or No. 12F, Specification for Small Welded Production Tanks, Fifth Edition, March 1961. Tanks built in accordance with these standards shall be used only as production tanks for storage of crude petroleum in oil-producing areas.

(ii) Tanks designed for underground service not exceeding 2,500 gallons capacity may be used aboveground.

(iii) Low-pressure tanks and pressure vessels may be used as atmospheric tanks.

(iv) Atmospheric tanks shall not be used for the storage of a flammable or combustible liquid at a temperature at or above its boiling point.

(d) Low pressure tanks. (i) The normal operating pressure of the tank shall not exceed the design pressure of the tank.

(ii) Low-pressure tanks shall be built in accordance with acceptable standards of design. Low-pressure tanks may be built in accordance with:

(A) American Petroleum Institute Standard No. 620, Recommended Rules for the Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Third Edition, 1966.

(B) The principles of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessels Code, 1968.

(iii) Atmospheric tanks built according to the Underwriters' Laboratories, Inc., requirements in (1)(c)(i) of this section may be used for operating pressures not exceeding 1 p.s.i.g. and shall be limited to 2.5 p.s.i.g. under emergency venting conditions. Pressure vessels may be used as low-pressure tanks.

(e) Pressure vessels. (i) The normal operating pressure of the vessel shall not exceed the design pressure of the vessel.

(ii) Pressure vessels shall be built in accordance with the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code, 1968.

(f) Provisions for internal corrosion. When tanks are not designed in accordance with the American Petroleum Institute, American Society of Mechanical Engineers, or the Underwriters' Laboratories, Inc.'s standards, or if corrosion is anticipated beyond that provided for in the design formulas used, additional metal thickness or suitable protective coatings or linings shall be provided to compensate for the corrosion loss expected during the design life of the tank.

(2) Installation of outside aboveground tanks. ~~((a) Location with respect to property lines and public ways. (i) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable liquids, operating at pressures not in excess of 2.5 p.s.i.g. and equipped with emergency venting which will not permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H-5.~~

~~((ii) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable flammable or combustible liquids, operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H-6.~~

**TABLE H-5**

Type of tank	Protection	Minimum distance	Minimum distance
		in feet from property line which may be built upon, including the opposite side of a public way.	in feet from nearest side of any public way or from nearest important building and shall be not less than 5 feet.
Floating roof	Protection for exposures.	1/2 times diameter of tank but need not exceed 90 ft.	1/6 times diameter of tank but need not exceed 30 ft.
	None	Diameter of tank but need not exceed 175 ft.	1/6 times diameter of tank but need not exceed 30 ft.
	Approved foam or inerting system on the tank.	1/2 times diameter of tank but need not exceed 90 ft. and shall not be less than 5 ft.	1/6 times diameter of tank but need not exceed 30 ft.
Vertical	Protection for exposures.	Diameter of tank but, need not exceed 175 ft.	1/3 times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	1/3 times diameter of tank but need not exceed 60 ft.
	Approved and inerting system on the emergency tank or relief approved venting foam system to limit pressures to 2.5 p.s.i.g.	1/2 times Table H-9 but shall not be less than 5 ft.	1/2 times Table H-9.
Horizontal	Protection for exposures.	Table H-9	Table H-9
	None	2 times Table	Table H-9

TABLE H-6

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
Any type	Protection for exposures.	1 1/2 times Table H-9 but shall not be less than 25 ft.	1 1/2 times Table H-9 but shall not be less than 25 ft.
	None	3 times Table H-9 but shall not be less than 50 ft.	1 1/2 times Table H-9 but shall not be less than 25 ft.

(iii) Every aboveground tank for the storage of flammable or combustible liquids with boil-over characteristics shall be located in accordance with Table H-7.

TABLE H-7

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
Floating roof	Protection for exposures.	Diameter of tank but need not exceed 175 ft.	1/3 times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	1/3 times diameter of tank but need not exceed 60 ft.
Fixed roof	Approved foam or inerting system.	Diameter of tank but need not exceed 175 ft.	1/3 times diameter of tank but need not exceed 60 ft.
	Protection for exposures.	2 times diameter of tank but need not exceed 350 ft.	2/3 times diameter of tank but need not exceed 120 ft.
	None	4 times diameter of tank but need not exceed 350 ft.	2/3 times diameter of tank but need not exceed 120 ft.

(iv) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table H-8.

TABLE H-8

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
Horizontal and vertical tanks with emergency relief venting to permit pressure not in excess of 2.5 p.s.i.g.	Tank protected with any of the following: Approved water spray; approved inerting; approved insulation and refrigeration; approved barricade.	See Table H-9, but the distance may be not less than 25 ft.	Not less than 25 ft.

TABLE H-8

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
	Protection for exposures.	2 1/2 times Table H-9 but not less than 50 ft.	Not less than 50 ft.
	None	5 times Table H-9 but not less than 100 ft.	Not less than 100 ft.
Horizontal and vertical tanks with emergency relief venting to permit pressure over 2.5 p.s.i.g.	Tank protected with any of the following: Approved water spray; approved inerting; approved insulation and refrigeration; approved barricade.	2 times Table H-9 but not less than 50 ft.	Not less than 50 ft.
	Protection for exposures.	4 times Table H-9 but not less than 100 ft.	Not less than 100 ft.
	None	8 times Table H-9 but not less than 150 ft.	Not less than 150 ft.

(v) Reference minimum distances for use in Tables H-5 to H-8 inclusive.

TABLE H-9

Capacity tank gallons	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way.	Minimum distance in feet from nearest side of any public way or from nearest important building.
75 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

(vi) Where end failure or horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.

(b)) (a) Spacing (shell-to-shell) between aboveground tanks. (i) The distance between any two flammable or combustible liquid storage tanks shall not be less than 3 feet.

(ii) Except as provided in (2)(b)(iii) of this section, the distance between any two adjacent tanks shall not be less than one-sixth the sum of their diameters. When the diameter of one tank is less than one-half the diameter of the adjacent tank, the distance between the two tanks shall not be less than one-half the diameter of the smaller tank.

(iii) Where crude petroleum in conjunction with production facilities are located in noncongested areas and have capacities not exceeding 126,000 gallons (3,000 barrels), the distance between such tanks shall not be less than 3 feet.

(iv) Where unstable flammable or combustible liquids are stored, the distance between such tanks shall not be less than one-half the sum of their diameters.

(v) When tanks are compacted in three or more rows or in an irregular pattern, greater spacing or other means shall be provided so that inside tanks are accessible for firefighting purposes.

(vi) The minimum separation between a liquefied petroleum gas container and a flammable or combustible liquid storage tank shall be 20 feet, except in the case of flammable or combustible liquid tanks operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. in which case the provisions of (2)(b)(i) and (ii) of this section shall apply. Suitable means shall be taken to prevent the accumulation of flammable or combustible liquids under adjacent liquefied petroleum gas containers such as by diversion curbs or grading. When flammable or combustible liquid storage tanks are within a diked area, the liquefied petroleum gas containers shall be outside the diked area and at least 10 feet away from the centerline of the wall of the diked area. The foregoing provisions shall not apply when liquefied petroleum gas containers of 125 gallons or less capacity are installed adjacent to fuel oil supply tanks of 550 gallons or less capacity.

~~((c)) Location of outside aboveground tanks with respect to important buildings on same property. Every outside aboveground tank shall be separated from important buildings on the same property by distances not less than those specified in (2)(a)(i), (ii), (iii) and (iv) of this section, whichever is applicable. The appropriate distance column in Tables H-5, H-6, H-7, H-8, or H-9, that shall be used shall be the one reading. Minimum Distance in Feet from Nearest Side of Any Public Way or From Nearest Important Building.<sup>1</sup>~~

~~((d)) (b) Normal venting for aboveground tanks. (i) Atmospheric storage tanks shall be adequately vented to prevent the development of vacuum or pressure sufficient to distort the roof of a cone roof tank or exceed the design pressure in the case of other atmospheric tanks, as a result of filling or emptying, and atmospheric temperature changes.~~

~~(ii) Normal vents shall be sized either in accordance with: (A) the American Petroleum Institute Standard 2000 (1968), Venting Atmospheric and Low-Pressure Storage Tanks; or (B), other accepted standard; or (C) shall be at least as large as the filling or withdrawal connection, whichever is larger but in no case less than 1 1/4 inch nominal inside diameter.~~

~~(iii) Low-pressure tanks and pressure vessels shall be adequately vented to prevent development of pressure or vacuum, as a result of filling or emptying and atmospheric temperature changes, from exceeding the design pressure of the tank or vessel. Protection shall also be provided to prevent over-pressure from any pump discharging into the tank or vessel when the pump discharge pressure can exceed the design pressure of the tank or vessel.~~

~~(iv) If any tank or pressure vessel has more than one fill or withdrawal connection and simultaneous filling or withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.~~

~~(v) Unless the vent is designed to limit the internal pressure 2.5 p.s.i. or less, the outlet of vents and vent drains shall be arranged to discharge in such a manner as to prevent localized overheating of any part of the tank in the event vapors from such vents are ignited.~~

~~(vi) Tanks and pressure vessels storing Class IA liquids shall be equipped with venting devices which shall be normally closed except when venting to pressures or vacuum conditions. Tanks and pressure vessels storing Class IB and IC liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with approved flame arresters.~~

Exemption: Tanks of 3,000 bbls. capacity or less containing crude petroleum in crude-producing areas; and, outside aboveground atmospheric tanks under 1,000 gallons capacity containing other than Class IA flammable liquids may have open vents. (See (2)(f)(ii) of this section.)

(vii) Flame arresters or venting devices required in (2)(e)(vi) of this section may be omitted for Class IB and IC liquids where conditions are such that their use may, in case of obstruction, result in tank damage.

~~((e)) (c) Emergency relief venting for fire exposure for aboveground tanks. (i) Every aboveground storage tank shall have some~~

form of construction or device that will relieve excessive internal pressure caused by exposure fires.

(ii) In a vertical tank the construction referred to in (2)(e)(i) of this section may take the form of a floating roof, lifter roof, a weak roof-to-shell seam, or other approved pressure relieving construction. The weak roof-to-shell seam shall be constructed to fail preferential to any other seam.

(iii) Where entire dependence for emergency relief is placed upon pressure relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or of the shell or heads if horizontal. If unstable liquids are stored, the effects of heat or gas resulting from polymerization, decomposition, condensation, or self-reactivity shall be taken into account. The total capacity of both normal and emergency venting devices shall be not less than that derived from Table H-10 except as provided in (2)(e)(v) and (vi) of this section. Such device may be a self-closing manhole cover, or one using long bolts that permit the cover to lift under internal pressure, or an additional or larger relief valve or valves. The wetted area of the tank shall be calculated on the basis of 55 percent of the total exposed area of a sphere or spheroid, 75 percent of the total exposed area of a horizontal tank and the first 30 feet above grade of the exposed shell area of a vertical tank.

TABLE 10  
WETTED AREA VERSUS CUBIC FEET  
FREE AIR PER HOUR  
(14.7 psia and 60°F.)

Square feet	CFH	Square feet	CFH	Square feet	CFH
20	21,100	200	211,000	1,000	524,000
30	31,600	250	239,000	1,200	557,000
40	42,100	300	265,000	1,400	587,000
50	52,700	350	288,000	1,600	614,000
60	63,200	400	312,000	1,800	639,000
70	73,700	500	354,000	2,000	662,000
80	84,200	600	392,000	2,400	704,000
90	94,800	700	428,000	2,800	742,000
100	105,000	800	462,000	and	
120	126,000	900	493,000	over	
140	147,000	1,000	524,000		
160	168,000				
180	190,000				
200	211,000				

(iv) For tanks and storage vessels designed for pressure over 1 p.s.i.g., the total rate of venting shall be determined in accordance with Table H-10, except that when the exposed wetted area of the surface is greater than 2,800 square feet, the total rate of venting shall be calculated by the following formula:

$$CFH = 1,107A \text{ (superscript } 0.82)$$

Where:

CFH = Venting requirement, in cubic feet of free air per hour.

A = Exposed wetted surface, in square feet.

NOTE: The foregoing formula is based on Q = 21,000A (superscript 0.82).

(v) The total emergency relief venting capacity for any specific stable liquid may be determined by the following formula:

$$\text{Cubic feet of free air per hour} = V$$

$$V = \frac{1337}{L M}$$

V = Cubic feet of free air per hour from Table H-10.

L = Latent heat of vaporization of specific liquid in B.t.u. per pound.

M = Molecular weight of specific liquids.

(vi) The required airflow rate of (2)(e)(iii) or (v) of this section may be multiplied by the appropriate factor listed in the following schedule

when protection is provided as indicated. Only one factor may be used for any one tank.

0.5 for drainage in accordance with (2)(g)(ii) of this section for tanks over 200 square feet of wetted area.

0.3 for approved water spray.

0.3 for approved insulation.

0.15 for approved water spray with approved insulation.

(vii) The outlet of all vents and vent drains on tanks equipped with emergency venting to permit pressures exceeding 2.5 p.s.i.g. shall be arranged to discharge in such a way as to prevent localized overheating of any part of the tank, in the event vapors from such vents are ignited.

(viii) Each commercial tank venting device shall have stamped on it the opening pressure, the pressure at which the valve reaches the full open position, and the flow capacity at the latter pressure, expressed in cubic feet per hour of air at 60°F. and at a pressure of 14.7 p.s.i.a.

(ix) The flow capacity of tank venting devices 12 inches and smaller in nominal pipe size shall be determined by actual test of each type and size of vent. These flow tests may be conducted by the manufacturer if certified by a qualified impartial observer, or may be conducted by an outside agency. The flow capacity of tank venting devices larger than 12 inches nominal pipe size, including manhole covers with long bolts or equivalent, may be calculated provided that the opening pressure is actually measured, the rating pressure and corresponding free orifice area are stated, the word "calculated" appears on the nameplate, and the computation is based on a flow coefficient of 0.5 applied to the rated orifice area.

((f)) (d) Vent piping for aboveground tanks. (i) Vent piping shall be constructed in accordance with WAC 296-24-33007 of this section.

(ii) Where vent pipe outlets for tanks storing Class I liquids are adjacent to buildings or public ways, they shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 feet above the adjacent ground level. In order to aid their dispersion, vapors shall be discharged upward or horizontally away from closely adjacent walls. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least five feet from building openings.

(iii) When tank vent piping is manifolded, pipe sizes shall be such as to discharge within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are subject to the same fire exposure.

((g)) (e) Drainage, dikes, and walls for aboveground tanks. (i) Drainage and diked areas. The area surrounding a tank or a group of tanks shall be provided with drainage as in (2)(g)(ii) of this section, or shall be diked as provided in (2)(g)(iii), to prevent accidental discharge of liquid from endangering adjoining property or reaching waterways.

(ii) Drainage. Where protection of adjoining property or waterways is by means of a natural or manmade drainage system, such systems shall comply with the following:

(A) ((A slope of not less than 1 percent away from the tank toward the drainage system shall be provided:

(B)) The drainage system shall terminate in vacant land or other area or in an impounding basin having a capacity not smaller than that of the largest tank served. This termination area and the route of the drainage system shall be so located that, if the flammable or combustible liquids in the drainage system are ignited, the fire will not seriously expose tanks or adjoining property.

((C) The drainage system, including automatic drainage pumps, shall not discharge to adjoining property, natural water courses, public sewers, or public drains unless the discharge of flammable or combustible liquids would not constitute a hazard, or the system is so designed that it will not permit flammable or combustible liquids to be released:))

(iii) Diked areas. Where protection of adjoining property or waterways is accomplished by retaining the liquid around the tank by means of a dike, the volume of the diked area shall comply with the following requirements:

(A) Except as provided in (2)(g)(iii)(B) of this section, the volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

(B) For a tank or group of tanks with fixed roofs containing crude petroleum with boilover characteristics, the volumetric capacity of the

diked area shall be not less than the capacity of the largest tank served by the enclosure, assuming a full tank. The capacity of the diked enclosure shall be calculated by deducting the volume below the height of the dike of all tanks within the enclosure.

(C) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquidtight and to withstand a full hydrostatic head. Earthen walls 3 feet or more in height shall have a flat section at the top not less than 2 feet wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed.

(D) The walls of the diked area shall be restricted to an average height of 6 feet above interior grade.

(E) ((Where provision is made for draining water from diked areas, drainage shall be provided at a uniform slope of not less than 1 percent away from tanks toward a sump, drainbox, or other safe means of disposal located at the greatest practical distance from the tank. Such drains shall normally be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers, or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions:

(F)) No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

((G) Each diked area containing two or more tanks shall be subdivided preferably by drainage channels or at least by intermediate curbs in order to prevent spills from endangering adjacent tanks within the diked area as follows:

(aa) When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks or when storing crude petroleum in producing areas in any type of tank, one subdivision for each tank in excess of 10,000 bbls. and one subdivision for each group of tanks (no tank exceeding 10,000 bbls. capacity) having an aggregate capacity not exceeding 15,000 bbls:

(bb) When storing normally stable flammable or combustible liquids in tanks not covered in (aa) of this section, one subdivision for each tank in excess of 100,000 gallons (2,500 bbls.) and one subdivision for each group of tanks (no tank exceeding 100,000 gallons capacity) having an aggregate capacity not exceeding 150,000 gallons (3,570 bbls.):

(cc) When storing unstable liquids in any type of tank, one subdivision for each tank except that tanks installed in accordance with the drainage requirements of NFPA 15-1969, Standard for Water Spray Fixed Systems for Fire Protection shall require no additional subdivision:

(dd) The drainage channels or intermediate curbs shall be located between tanks so as to take full advantage of the available space with due regard for the individual tank capacities. Intermediate curbs, where used, shall be not less than 18 inches in height:))

(h) Tank openings other than vents for aboveground tanks. (i) ((Connections for all tank openings shall be vaportight and liquid tight. Vents are covered in (2)(d) through (f) of this section:

(ii) Each connection to an aboveground tank through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures:

(iii) Each connection below the liquid level through which liquid does not normally flow shall be provided with a liquid tight closure. This may be a valve, plug, or blind, or a combination of these:

(iv)) Openings for gaging shall be provided with a vapor tight cap or cover.

((v)) (ii) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity. A fill pipe entering the top of a tank shall terminate within 6 inches of the bottom of the tank and shall be installed to avoid excessive vibration.

((vi)) (iii) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(3) Installation of underground tanks.

(a) Location. Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks or tanks under buildings shall be so located with respect to existing building foundations and supports that

the loads carried by the latter cannot be transmitted to the tank. The distance from any part of a tank storing class I liquids to the nearest wall of any basement or pit shall be not less than 1 foot, and to any property line that may be built upon, not less than 3 feet. The distance from any part of a tank storing class II or class III liquids to the nearest wall of any basement, pit or property line shall not be less than 1 foot.

(b) Depth and cover. Underground tanks shall be set on firm foundations and surrounded with at least 6 inches of noncorrosive, inert materials such as clean sand, earth, or gravel well tamped in place. The tank shall be placed in the hole with care since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank, or scrape off the protective coating of coated tanks. Tanks shall be covered with a minimum of 2 feet of earth or shall be covered with not less than 1 foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick. When underground tanks are, or are likely to be, subject to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet of earth cover, or 18 inches of well-tamped earth, plus 6 inches of reinforced concrete or 8 inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot horizontally beyond the outline of the tank in all directions.

(c) Corrosion protection. Corrosion protection for the tank and its piping shall be provided by one or more of the following methods:

- (i) Use of protective coatings or wrappings;
- (ii) Cathodic protection; or,
- (iii) Corrosion resistant materials of construction.

(d) Vents. (i) Location and arrangement of vents for class I liquids. Vent pipes from tanks storing class I liquids shall be so located that the discharge point is outside of buildings, higher than the fill pipe opening, and not less than 12 feet above the adjacent ground level. Vent pipes shall discharge only upward in order to disperse vapors. Vent pipes 2 inches or less in nominal inside diameter shall not be obstructed by devices that will cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than 10 feet in length, or greater than 2 inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester located in the vent line at the outlet or within the approved distance from the outlet.

(ii) Size of vents. Each tank shall be vented through piping adequate in size to prevent blow-back of vapor or liquid at the fill opening while the tank is being filled. Vent pipes shall be not less than 1 1/4 inch nominal inside diameter.

without sags or traps in which liquid can collect. They shall be located so that they will not be subjected to physical damage. The tank end of the vent pipe shall enter the tank through the top.

(v) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are filled simultaneously.

(e) Tank openings other than vents. (i) Connections for all tank openings shall be vapor or liquid tight.

(ii) Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. If inside a building, each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(iii) Fill and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank.

(iv) For class IB and class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(v) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquid-tight when not in use. The connection shall be properly identified.

(4) Installation of tanks inside of buildings.

(a) Location. Tanks shall not be permitted inside of buildings except as provided in WAC 296-24-33011 and WAC 296-24-33015 through WAC 296-24-33019.

(b) Vents. Vents for tanks inside of buildings shall be as provided in (2)(d), (e), (f)(ii) and (3)(d) of this section, except that emergency venting by the use of weak roof seams on tanks shall not be permitted. Vents shall discharge vapors outside the buildings.

(c) Vent piping. Vent piping shall be constructed in accordance with WAC 296-24-33007.

(d) Tank openings other than vents. (i) Connections for all tank openings shall be vapor or liquidtight. Vents are covered in (4)(b) of this section.

(ii) Each connection to a tank inside of buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(iii) Flammable or combustible liquid tanks located inside of buildings, except in one-story buildings designed and protected for flammable or combustible liquid storage, shall be provided with an automatic-closing heat-actuated valve on each withdrawal connection below the liquid level, except for connections used for emergency disposal, to prevent continued flow in the event of fire in the vicinity of the tank. This function may be incorporated in the valve required in (4)(d)(ii) of this section, and if a separate valve, shall be located adjacent to the valve required in (4)(d)(ii) of this section.

(iv) Openings for manual gaging, if independent of the fill pipe (see (4)(d)(vi) of this section), shall be provided with a vaportight cap or cover. Each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(v) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(vi) The fill pipe inside of the tank shall be installed to avoid excessive vibration of the pipe.

(vii) The inlet of the fill pipe shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. The inlet of the fill pipe shall be closed and liquidtight when not in use. The fill connection shall be properly identified.

(viii) Tanks inside buildings shall be equipped with a device, or other means shall be provided, to prevent overflow into the building.

(5) Supports, foundations, and anchorage for all tank locations.

(a) General. Tank supports shall be installed on firm foundations. Tank supports shall be of concrete, masonry, or protected steel. Single wood timber supports (not cribbing) laid horizontally may be used for

TABLE H-11  
VENT LINE DIAMETERS

Maximum flow GPM	Pipe length*		
	50 feet	100 feet	200 feet
	Inches	Inches	Inches
100	1 1/4	1 1/4	1 1/4
200	1 1/4	1 1/4	1 1/4
300	1 1/4	1 1/4	1 1/2
400	1 1/4	1 1/2	2
500	1 1/2	1 1/2	2
600	1 1/2	2	2
700	2	2	2
800	2	2	3
900	2	2	3
1,000	2	2	3

\*Vent lines of 50 ft., 100 ft., and 200 ft. of pipe plus 7 ells.

(iii) Location and arrangement of vents for class II or class III liquids. Vent pipes from tanks storing class II or class III flammable liquids shall terminate outside of the building and higher than the fill pipe opening. Vent outlets shall be above normal snow level. They may be fitted with return bends, coarse screens or other devices to minimize ingress of foreign material.

(iv) Vent piping shall be constructed in accordance with WAC 296-24-33007. Vent pipes shall be so laid as to drain toward the tank

outside aboveground tanks if not more than 12 inches high at their lowest point.

(b) Fire resistance. Steel supports or exposed piling shall be protected by materials having a fire resistance rating of not less than 2 hours, except that steel saddles need not be protected if less than 12 inches high at their lowest point. Water spray protection or its equivalent may be used in lieu of fire-resistive materials to protect supports.

(c) Spheres. The design of the supporting structure for tanks such as spheres shall receive special engineering consideration.

(d) Load distribution. Every tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the shell.

(e) Foundations. Tanks shall rest on the ground or on foundations made of concrete, masonry, piling, or steel. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation.

(f) Flood areas. Where a tank is located in an area that may be subjected to flooding, the applicable precautions outlined in (5)(f) of this section shall be observed.

(i) No aboveground vertical storage tank containing a flammable or combustible liquid shall be located so that the allowable liquid level within the tank is below the established maximum flood stage, unless the tank is provided with a guiding structure such as described in (5)(f)(xiii), (xiv) and (xv) of this section.

(ii) Independent water supply facilities shall be provided at locations where there is no ample and dependable public water supply available for loading partially empty tanks with water.

(iii) In addition to the preceding requirements, each tank so located that more than 70 percent, but less than 100 percent, of its allowable liquid storage capacity will be submerged at the established maximum flood stage, shall be safeguarded by one of the following methods: Tank shall be raised, or its height shall be increased, until its top extends above the maximum flood stage a distance equivalent to 30 percent or more of its allowable liquid storage capacity: PROVIDED, HOWEVER, that the submerged part of the tank shall not exceed two and one-half times the diameter. Or, as an alternative to the foregoing, adequate noncombustible structural guides, designed to permit the tank to float vertically without loss of product, shall be provided.

(iv) Each horizontal tank so located that more than 70 percent of its storage capacity will be submerged at the established flood stage, shall be anchored, attached to a foundation of concrete or of steel and concrete, of sufficient weight to provide adequate load for the tank when filled with flammable or combustible liquid and submerged by flood waters to the established flood stage, or adequately secured by other means.

(v) ((Spherical and spheroidal tanks shall be protected by applicable methods as specified for either vertical or horizontal tanks:

(vi)) At locations where there is no ample and dependable water supply, or where filling of underground tanks with liquid is impracticable because of the character of their contents, their use, or for other reasons, each tank shall be safeguarded against movement when empty and submerged by high ground water or flood waters by anchoring, weighting with concrete or other approved solid loading material, or securing by other means. Each such tank shall be so constructed and installed that it will safely resist external pressures due to high ground water or flood waters.

((vii)) (vi) At locations where there is an ample and dependable water supply available, underground tanks containing flammable or combustible liquids, so installed that more than 70 percent of their storage capacity will be submerged at the maximum flood stage, shall be so anchored, weighted, or secured by other means, as to prevent movement of such tanks when filled with flammable or combustible liquids, and submerged by flood waters to the established flood stage.

((viii)) (vii) Pipe connections below the allowable liquid level in a tank shall be provided with valves or cocks located as closely as practicable to the tank shell. Such valves and their connections to tanks shall be of steel or other material suitable for use with the liquid being stored. Cast iron shall not be used.

((ix)) (viii) At locations where an independent water supply is required, it shall be entirely independent of public power and water supply. Independent source of water shall be available when flood waters reach a level not less than 10 feet below the bottom of the lowest tank on a property.

((x)) (ix) The self-contained power and pumping unit shall be so located or so designed that pumping into tanks may be carried on continuously throughout the rise in flood waters from a level 10 feet below the lowest tank to the level of the potential flood stage.

((xi)) (x) Capacity of the pumping unit shall be such that the rate of rise of water in all tanks shall be equivalent to the established potential average rate of rise of flood waters at any stage.

((xii)) (xi) Each independent pumping unit shall be tested periodically to insure that it is in satisfactory operating condition.

((xiii)) (xii) Structural guides for holding floating tanks above their foundations shall be so designed that there will be no resistance to the free rise of a tank, and shall be constructed of noncombustible material.

((xiv)) (xiii) The strength of the structure shall be adequate to resist lateral movement of a tank subject to a horizontal force in any direction equivalent to not less than 25 pounds per square foot acting on the projected vertical cross-sectional area of the tank.

((xv)) (xiv) Where tanks are situated on exposed points or bends in a shoreline where swift currents in flood waters will be present, the structures shall be designed to withstand a unit force of not less than 50 pounds per square foot.

((xvi)) (xv) The filling of a tank to be protected by water loading shall be started as soon as flood waters reach a dangerous flood stage. The rate of filling shall be at least equal to the rate of rise of the floodwaters (or the established average potential rate of rise).

((xvii)) (xvi) Sufficient fuel to operate the water pumps shall be available at all times to insure adequate power to fill all tankage with water.

((xviii)) (xvii) All valves on connecting pipelines shall be closed and locked in closed position when water loading has been completed.

((xix)) (xviii) Where structural guides are provided for the protection of floating tanks, all rigid connections between tanks and pipelines shall be disconnected and blanked off or binded before the floodwaters reach the bottom of the tank, unless control valves and their connections to the tank are of a type designed to prevent breakage between the valve and the tank shell.

((xx)) (xix) All valves attached to tanks other than those used in connection with water loading operations shall be closed and locked.

((xxi)) (xx) If a tank is equipped with a swing line, the swing pipe shall be raised to and secured at its highest position.

((xxii)) (xxi) Inspections. The director or his designated representative shall make periodic inspections of all plants where the storage of flammable or combustible liquids is such as to require compliance with the foregoing requirements, in order to assure the following:

(A) That all flammable or combustible liquid storage tanks are in compliance with these requirements and so maintained.

(B) That detailed printed instructions of what to do in flood emergencies are properly posted.

(C) That station operators and other employees depended upon to carry out such instructions are thoroughly informed as to the location and operation of such valves and other equipment necessary to effect these requirements.

(g) Earthquake areas. In areas subject to earthquakes, the tank supports and connections shall be designed to resist damage as a result of such shocks.

(6) Sources of ignition. In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightning, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, and mechanical), spontaneous ignition, chemical and physical-chemical reactions, and radiant heat.

(7) Testing.

(a) General. All tanks, whether shop built or field erected, shall be strength tested before they are placed in service in accordance with the applicable sections of the code under which they were built. The American Society of Mechanical Engineers (ASME) code stamp, American Petroleum Institute (API) monogram, or the label of the Underwriters' Laboratories, Inc., on a tank shall be evidence of compliance with this strength test. Tanks not marked in accordance with the above codes shall be strength tested before they are placed in service in accordance with good engineering principles and reference shall be made to the sections on testing in the codes listed in (l)(c)(i), (d)(ii) or (e)(ii) of this section.



(b) Strength. When the vertical length of the fill and vent pipes is such that when filled with liquid the static head imposed upon the bottom of the tank exceeds 10 pounds per square inch, the tank and related piping shall be tested hydrostatically to a pressure equal to the static head thus imposed.

(c) Tightness. In addition to the strength test called for in (7)(a) and (b), all tanks and connections shall be tested for tightness. Except for underground tanks, this tightness test shall be made at operating pressure with air, inert gas, or water prior to placing the tank in service. In the case of field-erected tanks the strength test may be considered to be the test for tank tightness. Underground tanks and piping, before being covered, enclosed, or placed in use, shall be tested for tightness hydrostatically, or with air pressure at not less than 3 pounds per square inch and not more than 5 pounds per square inch.

(d) Repairs. All leaks or deformations shall be corrected in an acceptable manner before the tank is placed in service. Mechanical caulking is not permitted for correcting leaks in welded tanks except pinhole leaks in the roof.

(e) Derated operations. Tanks to be operated at pressures below their design pressure may be tested by the applicable provisions of (7)(a) or (b) based upon the pressure developed under full emergency venting of the tank.

**AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)**

**WAC 296-24-33009 CONTAINER AND PORTABLE TANK STORAGE. (1) Scope.**

(a) General. This section shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(b) Exceptions. This section shall not apply to the following:

(i) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(ii) Class I or Class II liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(iii) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days;

(iv) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) Design, construction, and capacity of containers.

(a) General. Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the code of Federal Regulations - October 1, 1972, (regulations issued by the Hazardous Materials Regulations Board, Department of Transportation), shall be deemed to be acceptable.

(b) Emergency venting. Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in WAC 296-24-33005(2)(e)(iii) or (v). At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60°F.) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300°F.

**TABLE H-12  
MAXIMUM ALLOWABLE SIZE OF  
CONTAINERS AND PORTABLE TANKS**

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II &	Class III
Glass or approved plastic	1 pt.	1 qu.	1 gal.	1 gal.	1 gal.
Metal (other than DOT drums)	1 gal.	5 gal.	5 gal.	5 gal.	5 gal.
Safety cans	2 gal.	5 gal.	5 gal.	5 gal.	5 gal.

**TABLE H-12  
MAXIMUM ALLOWABLE SIZE OF  
CONTAINERS AND PORTABLE TANKS**

Container Type	Flammable liquids			Combustible Liquids	
	Class IA	Class IB	Class IC	Class II &	Class III
Metal drums (DOT spec.)	60 gal.	60 gal.	60 gal.	60 gal.	60 gal.
Approved portable tanks	660 gal.	660 gal.	660 gal.	660 gal.	660 gal.

Container exemptions: (i) Medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of (4)(a) and (b) of this section.

(c) Size. Flammable and combustible liquid containers shall be in accordance with Table H-12, except that glass or plastic containers of no more than 1-gallon capacity may be used for a Class IA or IB flammable liquid if:

(i) Such liquid either would be rendered unfit for its intended use by contact with metal or would excessively corrode a metal container so as to create a leakage hazard; and

(ii) The user's process either would require more than 1 pint of Class IA liquid or more than 1 quart of a Class IB liquid of a single assay lot to be used at one time, or would require the maintenance of an analytical standard liquid of a quality which is not met by the specified standards of liquids available, and the quantity of the analytical standard liquid required to be used in any one control process exceeds one-sixteenth the capacity of the container allowed under Table H-12 for the class of liquid; or

(iii) The containers are intended for direct export outside the United States.

(3) Design, construction, and capacity of storage cabinets.

(a) Maximum capacity. Not more than 60 gallons of Class I or Class II liquids, nor more than 120 gallons of Class III liquids may be stored in a storage cabinet.

(b) Fire resistance. Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325°F. when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled "Flammable—Keep Fire Away," to meet specifications set forth in WAC 296-24-140.

(i) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1 1/2-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(ii) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead woodscrews. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) Design and construction of inside storage rooms.

(a) Construction. Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251-1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room



shall be liquid tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80-1968, for class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(b) Rating and capacity. Storage in inside storage rooms shall comply with Table H-13.

TABLE H-13  
STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. ft./floor area)
Yes	2 hours	500 sq.ft.	10
No	2 hours	500 sq.ft.	4
Yes	1 hour	150 sq.ft.	5
No	1 hour	150 sq.ft.	2

\*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(c) Wiring. Electrical wiring and equipment located in inside storage rooms used for class I liquids shall be approved under WAC 296-24-950 and WAC 296-24-955 for Class I, Division 2 Hazardous Locations; for class II and class III liquids, shall be approved for general use.

(d) Ventilation. Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(e) Storage in inside storage rooms. In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) Storage inside building.

(a) Egress. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(b) Containers. The storage of flammable or combustible liquids in containers or portable tanks shall comply with (4)(c) through (e) of this section.

(c) Office occupancies. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(d) Mercantile occupancies and other retail stores. ((i)) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the store actually being used for merchandising flammable and combustible liquids.

(ii) Where the aggregate quantity of additional stock exceeds 60 gallons of Class IA, or 120 gallons of Class IB, or 180 gallons of Class IC, or 240 gallons of Class II, or 500 gallons of Class III liquids, or any combination of Class I and Class II liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies

with the construction provisions for an inside storage room as prescribed in (4) of this section. For water miscible liquids, these quantities may be doubled.

(iii) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(iv) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shall not be easily displaced.

(v) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(e) General purpose public warehouses. Storage shall be in accordance with Table H-14 or H-15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H-14  
INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gal.	Ht.	Gal.	Ht.
IA	Ground and upper floors	2,750 (50)	3 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
III	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

NOTE 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

(Numbers in parentheses indicate corresponding number of 55-gal. drums.)

NOTE 3: Each pile shall be separated from each other by at least 4 ft.

TABLE H-15  
INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gals.	Ht.	Gals.	Ht.
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	

TABLE H-15  
INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gals.	Ht.	Gals.	Ht.
IB	Ground and upper floors	20,000	7 ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
III	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

- NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.
- NOTE 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.
- NOTE 3: Each pile shall be separated from each other by at least 4 ft.

(f) Flammable and combustible liquid warehouses or storage buildings. (i) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(ii) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H-14 or H-15.

(iii) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(iv) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(v) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflector or discharge orifices of water spray, or other overhead fire protection systems.

(vi) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or standpipe connections.

(6) Storage outside buildings.

(a) General. Storage outside buildings shall be in accordance with Table H-16 or H-17, and (6)(b) and (d) of this section.

TABLE H-16  
OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile (see note 1)	3 Distance between piles (see note 2)	4 Distance to property line that can be built upon (see notes 3 & 4)	5 Distance to street, alley, public way (see note 4)
IA	gal. 1,100	ft. 5	ft. 20	ft. 10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
III	22,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.

NOTE 2: Within 200 ft. of each container, there shall be 12-ft. wide access way to permit approach of fire control apparatus.

NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(b) Maximum storage. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of (6)(b)(i) and (ii) are complied with.

~~((i) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2 hour fire-resistive exterior walls having no opening within 10 feet of such storage.~~

((ii)) Where quantity stored exceeds 1,100 gallons, or provisions of (6)(b)(i) cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H-17  
OUTDOOR PORTABLE TANK STORAGE

1 Class	2 Maximum per pile	3 Distance between piles	4 Distance to property line that can be built upon	5 Distance to street, alley, public way
IA	gal. 2,200	ft. 5	ft. 20	ft. 10
IB	4,400	5	20	10
IC	8,800	5	20	10
II	17,600	5	10	5
III	44,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.

NOTE 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.

NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(c) Spill containment. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(d) Security. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) Fire control.

(a) Extinguishers. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(i) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(ii) At least one portable fire extinguisher having a rating of not less than 12-B units must be located not less than 10 feet, nor more than 25 feet, from any Class I or Class II liquid storage area located outside of a storage room but inside a building.

(b) Sprinklers. When sprinklers are provided, they shall be installed in accordance with WAC 296-24-605 through WAC 296-24-60509.

(c) Open flames and smoking. Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(d) Water reactive materials. Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

##### WAC 296-24-33011 INDUSTRIAL PLANTS. (1) Scope.

(a) Application. This paragraph shall apply to those industrial plants where:

(i) The use of flammable or combustible liquids is incidental to the principal business, or

(ii) Where flammable or combustible liquids are handled or used only in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical reaction. This section shall not apply to chemical plants, refineries or distilleries.

(b) Exceptions. Where portions of such plants involve chemical reactions such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes, those portions of the plant shall be in accordance with WAC 296-24-33017.

##### (2) Incidental storage or use of flammable and combustible liquids.

(a) Application. This shall be applicable to those portions of an industrial plant where the use and handling of flammable or combustible liquids is only incidental to the principal business, such as automobile assembly, construction of electronic equipment, furniture manufacturing, or other similar activities.

(b) Containers. Flammable or combustible liquids shall be stored in tanks or closed containers.

(i) Except as provided in (2)(b)(ii) and (iii) of this section all storage shall comply with WAC 296-24-33009(3) or (4).

(ii) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed:

(A) 25 gallons of Class IA liquids in containers

(B) 120 gallons of Class IB, IC, II, or III liquids in containers

(C) 660 gallons of Class IB, IC, II, or III liquids in a single portable tank.

(iii) Where large quantities of flammable or combustible liquids are necessary, storage may be in tanks which shall comply with the applicable requirements of WAC 296-24-33005.

(c) Separation and protection. Areas in which flammable or combustible liquids are transferred from one tank or container to another container shall be separated from other operations in the building by adequate distance or by construction having adequate fire resistance. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided.

(d) Handling liquids at point of final use. (i) Flammable liquids shall be kept in covered containers when not actually in use.

(ii) Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose promptly and safely of leakage or spills.

(iii) Class I liquids may be used only where there are no open flames or other sources of ignition within the possible path of vapor travel.

(iv) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

##### (3) Unit physical operations.

(a) Application. This subdivision (3) shall be applicable in those portions of industrial plants where flammable or combustible liquids are handled or used in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical change. Examples are plants compounding cosmetics, pharmaceuticals, solvents, cleaning fluids, insecticides, and similar types of activities.

(b) Location. Industrial plants shall be located so that each building or unit of equipment is accessible from at least one side for firefighting and fire control purposes. Buildings shall be located with respect to lines of adjoining property which may be built upon as set forth in WAC 296-24-33017(2)(a) and (b) except that the blank wall referred to in WAC 296-24-33017(2)(b) shall have a fire resistance rating of at least 2 hours.

(c) Chemical processes. Areas where unstable liquids are handled or small scale unit chemical processes are carried on shall be separated from the remainder of the plant by a fire wall of 2-hour minimum fire resistance rating.

(d) Drainage. (i) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire; see WAC 296-24-33005(2)(g)(ii).

(ii) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

~~((iii) The industrial plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids into public waterways, public sewers, or adjoining property:))~~

(e) Ventilation. (i) Areas as defined in (1)(a) of this section using Class I liquids shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(ii) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(f) Storage and handling. The storage, transfer, and handling of liquid shall comply with WAC 296-24-33017(4) of this section.

##### (4) Tank vehicle and tank car loading and unloading.

(a) Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of WAC 296-24-33013(3).

##### (5) Fire control.

(a) Portable and special equipment. Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(b) Water supply. Water shall be available in volume and at adequate pressure to supply water hose streams, foam-producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation, dispensing and storage.

(c) Special extinguishers. Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation dispensing and storage.

(d) Special hazards. Where the need is indicated by special hazards of operation, flammable or combustible liquid processing equipment, major piping, and supporting steel shall be protected by approved water spray systems, deluge systems, approved fire-resistant coatings, insulation, or any combination of these.

(e) Maintenance. All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition, and they will serve their purpose in time of emergency.

##### (6) Sources of ignition.

(a) General. Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(b) Grounding. Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of these standards shall be deemed to have been complied with.

##### (7) Electrical.

(a) Equipment. (i) All electrical wiring and equipment shall be installed according to the requirements of WAC 296-24-950 and 296-24-955.

(ii) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of WAC 296-24-950 and WAC 296-24-955. For those pieces of equipment installed in accordance with (3)(e)(ii), the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(iii) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of WAC 296-24-950 and WAC 296-24-955. These locations include an area within 20 feet horizontally, 3 feet vertically beyond a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(iv) Where the provisions of (i), (ii) and (iii) of this section require the installation of electrical equipment suitable for Class I, Division 1 or Division 2 locations, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) Repairs to equipment. Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge. The individual in responsible charge shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

#### (9) Housekeeping.

(a) General. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(b) Access. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of flammable or combustible liquid storage, use, or any unit physical operation.

(c) Waste and residue. Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

(d) Clear zone. Ground area around buildings and unit operating areas shall be kept free of weeds, trash, or other unnecessary combustible materials.

### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

#### WAC 296-24-33013 BULK PLANTS. (1) Storage.

(a) Class I liquids. Class I liquids shall be stored in closed containers, or in storage tanks above ground outside of buildings, or underground in accordance with WAC 296-24-33005.

(b) Class II and III liquids. Class II and Class III liquids shall be stored in containers, or in tanks within buildings or above ground outside of buildings, or underground in accordance with WAC 296-24-33005.

(c) Piling containers. Containers of flammable or combustible liquids when piled one upon the other shall be separated by dunnage sufficient to provide stability and to prevent excessive stress on container walls. The height of the pile shall be consistent with the stability and strength of containers.

#### (2) Buildings.

(a) Exits. Rooms in which flammable or combustible liquids are stored or handled by pumps shall have exit facilities arranged to prevent occupants from being trapped in the event of fire.

(b) Heating. Rooms in which Class I liquids are stored or handled shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

(c) Ventilation. (i) Ventilation shall be provided for all rooms, buildings, or enclosures in which Class I liquids are pumped or dispensed. Design of ventilation systems shall take into account the relatively high specific gravity of the vapors. Ventilation may be provided by adequate openings in outside walls at floor level unobstructed except by louvers or coarse screens. Where natural ventilation is inadequate, mechanical ventilation shall be provided.

(ii) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(iii) Containers of Class I liquids shall not be drawn from or filled within buildings unless provision is made to prevent the accumulation of flammable vapors in hazardous concentrations. Where mechanical ventilation is required, it shall be kept in operation while flammable liquids are being handled.

#### (3) Loading and unloading facilities.

(a) Separation. Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property that may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill spout. Buildings for pumps or shelters for personnel may be a part of the facility.

(b) Class restriction. Equipment such as piping, pumps, and meters used for the transfer of Class I liquids between storage tanks and the fill stem of the loading rack shall not be used for the transfer of Class II or Class III liquids.

(c) Valves. Valves used for the final control for filling tank vehicles shall be of the self-closing type and manually held open except where automatic means are provided for shutting off the flow when the vehicle is full or after filling of a preset amount.

(d) Static protection. (i) Bonding facilities for protection against static sparks during the loading of tank vehicles through open domes shall be provided:

(A) Where Class I liquids are loaded, or

(B) Where Class II or Class III liquids are loaded into vehicles which may contain vapors from previous cargoes of Class I liquids.

(ii) Protection as required in (3)(d)(i) of this section shall consist of a metallic bond wire permanently electrically connected to the fill stem or to some part of the rack structure in electrical contact with the fill stem. The free end of such wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle.

(iii) Such bonding connection shall be made fast to the vehicle or tank before dome covers are raised and shall remain in place until filling is completed and all dome covers have been closed and secured.

(iv) Bonding as specified in (3)(d)(i), (ii) and (iii) of this section is not required:

(A) Where vehicles are loaded exclusively with products not having a static accumulating tendency, such as asphalt, most crude oils, residual oils, and water soluble liquids;

(B) Where no Class I liquids are handled at the loading facility and the tank vehicles loaded are used exclusively for Class II and Class III liquids; and

(C) Where vehicles are loaded or unloaded through closed bottom or top connections.

(v) Filling through open domes into the tanks of tank vehicles or tank cars, that contain vapor-air mixtures within the flammable range or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends near the bottom of the tank. This precaution is not required when loading liquids which are nonaccumulators of static charges.

(e) Stray currents. Tank car loading facilities where Class I liquids are loaded through open domes shall be protected against stray currents by bonding the pipe to at least one rail and to the rack structure if of metal. Multiple lines entering the rack area shall be electrically bonded together. In addition, in areas where excessive stray currents are known to exist, all pipe entering the rack area shall be provided with insulating sections to electrically isolate the rack piping from the pipelines. No bonding between the tank car and the rack or piping is required during either loading or unloading of Class II or III liquids.

(f) Container filling facilities. Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a

bond wire, the provisions of these standards shall be deemed to have been complied with.

(4) Wharves.

(a) Definition, application. The term wharf shall mean any wharf, pier, bulkhead, or other structure over or contiguous to navigable water used in conjunction with a bulk plant, the primary function of which is the transfer of flammable or combustible liquid cargo in bulk between the bulk plant and any tank vessel, ship, barge, lighter boat, or other mobile floating craft; and this subparagraph shall apply to all such installations except Marine Service Stations as covered in WAC 296-24-33015.

(b) ~~((Package cargo. Package cargo of flammable and combustible liquids, including full and empty drums, bulk fuel, and stores may be handled over a wharf and at such times and places as may be agreed upon by the wharf superintendent and the senior deck officer on duty.~~

(c) ~~Location. Wharves at which flammable or combustible liquid cargoes are to be transferred in bulk quantities to or from tank vessels shall be at least 100 feet from any bridge over a navigable waterway, or from an entrance to or superstructure of any vehicular or railroad tunnel under a waterway. The termination of the wharf loading or unloading fixed piping shall be at least 200 feet from a bridge or from an entrance to or superstructure of a tunnel.~~

(d) Design and construction. Substructure and deck shall be substantially designed for the use intended. Deck may employ any material which will afford the desired combination of flexibility, resistance to shock, durability, strength, and fire resistance. Heavy timber construction is acceptable.

(e) Tanks. Tanks used exclusively for ballast water or Class II or Class III liquids may be installed on suitably designed wharves.

(f) Pumps. Loading pumps capable of building up pressures in excess of the safe working pressure of cargo hose or loading arms shall be provided with bypasses, relief valves, or other arrangement to protect the loading facilities against excessive pressure. Relief devices shall be tested at not more than yearly intervals to determine that they function satisfactorily at the pressure at which they are set.

(g) Hoses and couplings. All pressure hoses and couplings shall be inspected at intervals appropriate to the service. The hose and couplings shall be tested with the hose extended and using the "inservice maximum operating pressures". Any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

(h) Piping and fittings. Piping, valves, and fittings shall be in accordance with WAC 296-24-33007 with the following exceptions and additions:

(i) Flexibility of piping shall be assured by appropriate layout and arrangement of piping supports so that motion of the wharf structure resulting from wave action, currents, tides, or the mooring of vessels will not subject the pipe to repeated strain beyond the elastic limit.

(ii) Pipe joints depending upon the friction characteristics of combustible materials or grooving of pipe ends for mechanical continuity of piping shall not be used.

(iii) Swivel joints may be used in piping to which hoses are connected, and for articulated swivel-joint transfer systems, provided that the design is such that the mechanical strength of joint will not be impaired if the packing material should fail, as by exposure to fire.

(iv) Piping systems shall contain a sufficient number of valves to operate the system properly and to control the flow of liquid in normal operation and in the event of physical damage.

(v) In addition to the requirements of (4)(h)(iv), each line conveying flammable liquids leading to a wharf shall be provided with a readily accessible block valve located on shore near the approach to the wharf and outside of any diked area. Where more than one line is involved, the valves shall be grouped in one location.

(vi) Means of easy access shall be provided for cargo line valves located below the wharf deck.

(vii) Pipelines on flammable or combustible liquids wharves shall be adequately bonded and grounded. If excessive stray currents are encountered, insulating points shall be installed. Bonding and grounding connections on all pipelines shall be located on wharveside of hose-riser insulating flanges, if used, and shall be accessible for inspection.

(viii) Hose or articulated swivel-joint pipe connections used for cargo transfer shall be capable of accommodating the combined effects of change in draft and maximum tidal range, and mooring lines shall be kept adjusted to prevent the surge of the vessel from placing stress on the cargo transfer system.

(ix) Hose shall be supported so as to avoid kinking and damage from chafing.

(g) Fire protection. Suitable portable fire extinguishers with a rating of not less than 12-BC shall be located with 75 feet of those portions of the facility where fires are likely to occur, such as hose connections, pumps, and separator tanks.

(i) Where piped water is available, ready-connected fire hose in size appropriate for the water supply shall be provided so that manifolds where connections are made and broken can be reached by at least one hose stream.

(ii) Material shall not be placed on wharves in such a manner as to obstruct access to firefighting equipment, or important pipeline control valves.

(iii) Where the wharf is accessible to vehicle traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access of firefighting apparatus.

(h) Operations control. Loading or discharging shall not commence until the wharf superintendent and officer in charge of the tank vessel agree that the tank vessel is properly moored and all connections are properly made. Mechanical work shall not be performed on the wharf during cargo transfer, except under special authorization by a delegated person or his authorized representative based on a review of the area involved, methods to be employed, and precaution necessary.

(5) Electrical equipment.

(a) Application. This subsection shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids only are stored or handled, the electrical equipment may be installed in accordance with the provisions of WAC 296-24-950 and WAC 296-24-955 for ordinary locations.

(b) Conformance. All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with WAC 296-24-950 and WAC 296-24-955.

(c) Classification. So far as it applies Table H-18 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. In Table H-18 a classified area shall not extend beyond an unpierced wall, roof, or other solid partition. The area classifications listed shall be based on the premise that the installation meets the applicable requirements of this section in all respects.

TABLE H-18  
ELECTRICAL EQUIPMENT HAZARDOUS  
AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
Tank vehicle and tank car: <sup>1</sup>		
Loading through open dome	1	Within 3 feet of edge of dome, extending in all directions.
	2	Area between 3 feet and 5 feet from edge of dome, extending in all directions.
Loading through bottom connections with atmospheric venting.	1	Within 3 feet of point of venting to atmosphere, extending in all directions.
	2	Area between 3 feet and 5 feet from point of venting to atmosphere, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of loading connection.
Loading through closed dome with atmospheric venting.	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet from open end of vent, extending in all directions. Also within 3 feet of edge of dome, extending in all directions.

TABLE H-18  
ELECTRICAL EQUIPMENT HAZARDOUS  
AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
Loading through closed dome with vapor recovery.	2	Within 3 feet of point of connection of both fill and vapor lines, extending in all directions.
Bottom loading with vapor recovery or any bottom unloading.	2	Within 3 feet of point of connections extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of connection.
Drum and container filling: Outdoors, or indoors with adequate ventilation.	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Outdoors, or indoors with adequate ventilation	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Tank—Aboveground: Shell, ends, or roof and dike area	2	Within 10 feet from shell, ends, or roof of tank, Area inside dikes to level of top of dike.
Vent	1	Within 5 feet of open end of vent, extending in all directions.
	2	Area between 5 feet and 10 feet from open end of vent, extending in all directions.
Floating roof	1	Area above the roof and within the shell.
Pits: Without mechanical ventilation	1	Entire area within pit if any part is within a Division 1 or 2 classified area.
	2	Entire area within pit if any part is within a Division 1 or 2 classified area.
Containing valves, fittings or piping, and not within a division 1 or 2 classified area.	2	Entire pit.
Pumps, bleeders, withdrawal fittings, meters and similar devices: Indoors	2	Within 5 feet of any edge of such devices, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of such devices.

TABLE H-18  
ELECTRICAL EQUIPMENT HAZARDOUS  
AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
Outdoors	2	Within 3 feet of any edge of such devices, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of such devices.
Storage and repair garage for tank vehicles	1	All pits or spaces below floor level.
	2	Area up to 18 inches above floor or grade level for entire storage or repair garage.
Drainage ditches, separators, impounding basins.	2	Area up to 18 inches above ditch, separator or basin. Also up to 18 inches above grade within 15 feet horizontally from any edge.
Garages for other than tank vehicles	Ordinary	If there is any opening to these rooms within the extent of an outdoor classified area, the entire room shall be classified the same as the area classification at the point of the opening.
Outdoor drum storage	Ordinary	
Indoor warehousing where there is no flammable liquid transfer.	Ordinary	If there is any opening to these rooms within the extent of an indoor classified area, the room shall be classified the same as if the wall, curb or partition did not exist.
Office and rest rooms	Ordinary	

<sup>1</sup>When classifying the extent of the area, consideration shall be given to the fact that tank cars or tank vehicles may be spotted at varying points. Therefore, the extremities of the loading or unloading positions shall be used.

(6) Sources of ignition. Class I liquids shall not be handled, drawn, or dispensed where flammable vapors may reach a source of ignition. Smoking shall be prohibited except in designated localities. "No Smoking" signs shall be conspicuously posted where hazard from flammable liquid vapors is normally present.

(7) Drainage and waste disposal. Provision shall be made to prevent flammable or combustible liquids which may be spilled at loading or unloading points from entering public sewers and drainage systems, or natural waterways. Connection to such sewers, drains, or waterways by which flammable or combustible liquids might enter shall be provided with separator boxes or other approved means whereby such entry is precluded. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

(8) Fire control. Suitable fire-control devices, such as small hose or portable fire extinguishers, shall be available to locations where fires are likely to occur. Additional fire-control equipment may be required where a tank of more than 50,000 gallons individual capacity contains Class I liquids and where an unusual exposure hazard exists from surrounding property. Such additional fire-control equipment shall be sufficient to extinguish a fire in the largest tank. The design and amount of such equipment shall be in accordance with approved engineering standards.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-33015 SERVICE STATIONS.** (1) Storage and handling.

(a) General provisions. (i) Liquids shall be stored in approved closed containers not exceeding 60 gallons capacity, in tanks located underground, in tanks in special enclosures as described in (1)(b) of this section, or in aboveground tanks as provided for in (4)(b)(i), (ii), (iii) and (iv) of this section.

(ii) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at aboveground tanks, a valve is also installed within control of service station personnel.

(iii) Apparatus dispensing Class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

(iv) The provisions of (1) of this section shall not prohibit the dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle. Such dispensing shall be permitted provided:

(A) The tank vehicle complies with the requirements covered in the Standard on Tank Vehicles for Flammable Liquids, NFPA 385-1966.

(B) The dispensing is done on premises not open to the public.

(C) The dispensing hose does not exceed 50 feet in length.

(D) The dispensing nozzle is a listed automatic-closing type without a latch-open device.

(vi) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(vii) Accurate inventory records shall be maintained and reconciled on all Class I liquid storage tanks for possible indication of leakage from tanks or piping.

(b) Special enclosures. (i) When installation of tanks in accordance with WAC 296-24-33005(3) is impractical because of property or building limitations, tanks for flammable or combustible liquids may be installed in buildings if properly enclosed.

(ii) The enclosure shall be substantially liquid and vaportight without backfill. Sides, top, and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any liquid or vapors which might accumulate should leakage occur.

~~((iii) At automotive service stations provided in connection with tenant or customer parking facilities at or below grade level in large buildings of commercial, mercantile, or residential occupancy, tanks containing Class I liquids, installed of necessity in accordance with (1)(b)(ii) of this section, shall not exceed 6,000 gallons individual or 18,000 gallons aggregate capacity.))~~

(c) Inside buildings. (i) Except where stored in tanks as provided in (1)(b) of this section, no Class I liquids shall be stored within any service station building except in closed containers of aggregate capacity not exceeding 60 gallons. One container not exceeding 60 gallons capacity equipped with an approved pump is permitted.

(ii) Class I liquids may be transferred from one container to another in lubrication or service rooms of a service station building provided the electrical installation complies with Table H-19 and provided that any heating equipment complies with (6) of this section.

(iii) Class II and Class III liquids may be stored and dispensed inside service station buildings from tanks of not more than 120 gallons capacity each.

~~(d) ((Labeling. No sale or purchase of any Class I, II, or III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.))~~

~~(e))~~ Dispensing into portable containers. No delivery of any Class I liquids shall be made into portable containers unless the container is constructed of metal, has a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(2) Private stations. Service stations not accessible to or open to the public do not require an attendant or supervisor. Such stations may be used by commercial, industrial, governmental, or manufacturing establishments.

(3) Dispensing systems.

(a) Location. Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(b) Inside location. Approved dispensing units may be located inside of buildings. The dispensing area shall be separated from other areas

in an approved manner. The dispensing unit and its piping shall be mounted either on a concrete island or protected against collision damage by suitable means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

(c) Emergency power cutoff. A clearly identified and easily accessible switch(es) or a circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(d) Dispensing units. (i) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(ii) Only listed devices may be used for dispensing Class I liquids. No such device may be used if it shows evidence of having been dismantled.

(iii) Every dispensing device for Class I liquids installed after December 31, 1978, shall contain evidence of listing so placed that any attempt to dismantle the device will result in damage to such evidence, visible without disassembly or dismantling of the nozzle.

(iv) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(v) The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means.

(e) Remote pumping systems. (i) This subdivision shall apply to systems for dispensing Class I liquids where such liquids are transferred from storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensing units.

(ii) Pumps shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure. Pumps installed above grade, outside of buildings, shall be located not less than 10 feet from lines of adjoining property which is/ or may be built upon, and not less than 5 feet from any building opening. When an outside pump location is impractical, pumps may be installed inside of buildings, as provided for dispensers in (3)(b) of this section, or in pits as provided in (3)(e)(iii) of this section. Pumps shall be substantially anchored and protected against physical damage by vehicles.

(iii) Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a fitted cover.

(iv) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

(v) An approved impact valve, incorporating a fusible link, designed to close automatically in the event of severe impact or fire exposure shall be properly installed in the dispensing supply line at the base of each individual dispensing device.

(vi) Testing. After the completion of the installation, including any paving, that section of the pressure piping system between the pump discharge and the connection for the dispensing facility shall be tested for at least 30 minutes at the maximum operating pressure of the system. Such tests shall be repeated at 5-year intervals thereafter.

(f) Delivery nozzles. (i) Hose-nozzle valves of either the manual or automatic-closing type for dispensing class I liquids into a fuel tank or into a container shall be manually held open during the dispensing operation except as provided in (3)(f)(ii).

(ii) On any service station dispenser accessible to the public a listed automatic type nozzle with hold-open latch is permitted only when all dispensing of Class I liquids is to be done by the service station attendant.

(iii) If the dispensing of Class I liquids at a service station available and open to the public is to be done by a person other than the service



station attendant, the nozzle shall be a listed automatic-closing type without a hold-open latch.

(g) Special type dispensers. (i) Emergency controls shall be installed at an acceptable location, but controls shall not be more than 100 feet from dispensers.

(ii) Instructions for the operation of dispensers shall be conspicuously posted.

(4) Marine service stations.

(a) Dispensing. (i) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet from any activity involving fixed sources of ignition.

(ii) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(iii) Dispensing nozzles shall be automatic-closing without a hold-open latch.

(b) Tanks and pumps. (i) Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided in (4)(b)(ii) and (iii) of this section.

(ii) Where shore location would require excessively long supply lines to dispensers, tanks may be installed on a pier provided that applicable portions of WAC 296-24-33005 relative to spacing, diking, and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(iii) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(iv) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in WAC 296-24-33005(2)(h)(ii) of this section, so adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure.

(c) Piping. (i) Piping between shore tanks and dispensing units shall be as described in WAC 296-24-33007, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shoreline.

(ii) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(iii) Piping shall be located so as to be protected from physical damage.

(iv) Piping handling Class I liquids shall be grounded to control stray currents.

(5) Electrical equipment.

(a) Application. This subsection shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids are stored or handled the electrical equipment may be installed in accordance with the provisions of WAC 296-24-950 and WAC 296-24-955 for ordinary locations.

(b) All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with WAC 296-24-950 and WAC 296-24-955.

(c) So far as it applies, Table H-19 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. A classified area shall not extend beyond an unpierced wall, roof, or other solid partition.

(d) The area classifications listed shall be based on the assumption that the installation meets the applicable requirements of this section in all respects.

TABLE H-19  
ELECTRICAL EQUIPMENT HAZARDOUS  
AREAS—SERVICE STATIONS

Location	NEC Class 1, Group D division	Extent of classified area
<b>Underground tank:</b>		
Fill opening _____	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
	2	Up to 18 inches above grade level within a horizontal radius of 10 feet from a loose fill connection and within a horizontal radius of 5 feet from a tight fill connection.
<b>Vent—Discharging up-ward _____</b>	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet of open end of vent, extending in all directions.
<b>Dispenser:</b>		
Pits _____	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
Dispenser enclosure _____	1	The area 4 feet vertically above base within the enclosure and 18 inches horizontally in all directions.
Outdoor _____	2	Up to 18 inches above grade level within 20 feet horizontally of any edge of enclosure.
<b>Indoor:</b>		
With mechanical ventilation _____	2	Up to 18 inches above grade or floor level within 20 feet horizontally of any edge of enclosure.
With gravity ventilation _____	2	Up to 18 inches above grade or floor level within 25 feet horizontally of any edge of enclosure.
<b>Remote pump—Outdoor _____</b>	1	Any pit, box or space below grade level if any part is within a horizontal distance of 10 feet from any edge of pump.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of pump.
<b>Remote pump—Indoor _____</b>	1	Entire area within any pit.
	2	Within 5 feet of any edge of pump, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of pump.
<b>Lubrication or service room _____</b>	1	Entire area within any pit.
	2	Area up to 18 inches above floor or grade level within entire lubrication room.
<b>Dispenser for Class I Liquids _____</b>	2	Within 3 feet of any fill or dispensing point, extending in all directions.
<b>Special enclosure inside building per WAC 296-24-33013(1)(b). _____</b>	1	Entire enclosure.
<b>Sales, storage and rest rooms _____</b>	Ordinary	If there is any opening to these rooms within the extent of a Division 1 area, the entire room shall be classified as Division 1.

(6) Heating equipment.



(a) Conformance. Heating equipment shall be installed as provided in (6)(b) through (e) of this section.

(b) Application. Heating equipment may be installed in the conventional manner in an area except as provided in (6)(c), (d) or (e) of this section.

(c) Special room. Heating equipment may be installed in a special room separated from an area classified by Table H-19 by walls having a fire resistance rating of at least 1 hour and without any openings in the walls within 8 feet of the floor into an area classified in Table H-19. This room shall not be used for combustible storage and all air for combustion purposes shall come from outside the building.

(d) Work areas. Heating equipment using gas or oil fuel may be installed in the lubrication, sales, or service room where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles. Heating equipment using gas or oil fuel listed for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed provided the equipment is installed at least 8 feet above the floor.

(e) Electric heat. Electrical heating equipment shall conform to (5) of this section.

(7) Drainage and waste disposal. Provision shall be made in the area where Class I liquids are dispensed to prevent spilled liquids from flowing into the interior of service station buildings. Such provision may be by grading driveways, raising door sills, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers but shall be stored in tanks or drums outside of any building until removed from the premises.

(8) Sources of ignition. In addition to the previous restrictions of this section, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs prohibiting smoking shall be posted within sight of the customer being served. The motors of all equipment being fueled shall be shut off during the fueling operation.

(9) Fire control. Each service station shall be provided with at least one fire extinguisher having a minimum approved classification of 6 B, C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service room.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-33017 PROCESSING PLANTS.** (1) Scope. This section shall apply to those plants or buildings which contain chemical operations such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes but shall not apply to chemical plants, refineries or distilleries.

(2) Location. ((a)) Classification. The location of each processing vessel shall be based upon its flammable or combustible liquid capacity. ((Processing vessels shall be located, with respect to distances to lines of adjoining property which may be built upon, in accordance with Table H-20, except when the processing plant is designed in accordance with (2)(b) of this section.

**TABLE H-20**

Processing vessels with emergency relief venting to permit pressure	Stable liquids	Unstable liquids
	Table H-9	2 1/2 times
Not in excess of 2.5 p.s.i.g.	Table H-9	Table H-9.
Over 2.5 p.s.i.g.	1 1/2 times	4 times
	Table H-9.	Table H-9.

~~(b) Exception. The distances required in (2)(a) of this section may be waived when the vessels are housed within a building and the exterior wall facing the line of adjoining property which may be built upon is a blank wall having a fire resistance rating of not less than 4 hours. When Class IA or unstable liquids are handled, the blank wall shall have explosion resistance in accordance with good engineering practice; see (3)(d) of this section.)~~

(3) Processing building.

(a) Construction. (i) Processing buildings shall be of fire-resistance or noncombustible construction, except heavy timber construction with load-bearing walls may be permitted for plants utilizing only stable Class II or Class III liquids. Except as provided in (2)(b) of this section or in the case of explosion resistant walls used in conjunction with explosion relieving facilities, see (3)(d) of this section, loadbearing walls are prohibited. Buildings shall be without basements or covered pits.

(ii) Areas shall have adequate exit facilities arranged to prevent occupants from being trapped in the event of fire. Exits shall not be exposed by the drainage facilities described in (3)(b) of this section.

(b) Drainage. (i) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire, see WAC 296-24-33005(2)(g)(ii).

(ii) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

~~((iii) The processing plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids to public waterways, public sewers, or adjoining property.)~~

(c) Ventilation. (i) Enclosed processing buildings shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(ii) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(d) Explosion relief. Areas where Class IA or unstable liquids are processed shall have explosion venting through one or more of the following methods:

- (i) Open air construction.
- (ii) Lightweight walls and roof.
- (iii) Lightweight wall panels and roof hatches.
- (iv) Windows of explosion venting type.

(4) Liquid handling.

(a) Storage. (i) The storage of flammable or combustible liquids in tanks shall be in accordance with the applicable provisions of WAC 296-24-33005.

(ii) If the storage of flammable or combustible liquids in outside aboveground or underground tanks is not practical because of temperature or production considerations, tanks may be permitted inside of buildings or structures in accordance with the applicable provisions of WAC 296-24-33005.

(iii) Storage tanks inside of buildings shall be permitted only in areas at or above grade which have adequate drainage and are separated from the processing area by construction having a fire resistance rating of at least 2 hours.

(iv) The storage of flammable or combustible liquids in containers shall be in accordance with the applicable provisions of WAC 296-24-33009.

(b) Piping, valves, and fittings. (i) Piping, valves, and fittings shall be in accordance with WAC 296-24-33007.

(ii) Approved flexible connectors may be used where vibration exists or where frequent movement is necessary. Approved hose may be used at transfer stations.

(iii) Piping containing flammable or combustible liquids shall be identified.

(c) Transfer. (i) The transfer of large quantities of flammable or combustible liquids shall be through piping by means of pumps or water displacement. Except as required in process equipment, gravity flow shall not be used. The use of compressed air as a transferring medium is prohibited.

(ii) Positive displacement pumps shall be provided with pressure relief discharging back to the tank or to pump suction.

(d) Equipment. (i) Equipment shall be designed and arranged to prevent the unintentional escape of liquids and vapors and to minimize the quantity escaping in the event of accidental release.

(ii) Where the vapor space of equipment is usually within the flammable range, the probability of explosion damage to the equipment can be limited by inerting, by providing an explosion suppression system, or by designing the equipment to contain the peak explosion pressure which may be modified by explosion relief. Where the special hazards of operation, sources of ignition, or exposures indicate a need, consideration shall be given to providing protection by one or more of the above means.

(5) Tank vehicle and tank car loading and unloading. Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings, or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of WAC 296-24-33013(3).

(6) Fire control.

(a) Portable extinguishers. Approved portable fire extinguishers of appropriate size, type and number shall be provided.

(b) Other controls. Where the special hazards of operation or exposure indicate a need, the following fire control provision shall be provided.

(i) A reliable water supply shall be available in pressure and quantity adequate to meet the probable fire demands.

(ii) Hydrants shall be provided in accordance with accepted good practice.

(iii) Hose connected to a source of water shall be installed so that all vessels, pumps, and other equipment containing flammable or combustible liquids can be reached with at least one hose stream. Nozzles that are capable of discharging a water spray shall be provided.

(iv) Processing plants shall be protected by an approved automatic sprinkler system or equivalent extinguishing system. If special extinguishing systems including but not limited to those employing foam, carbon dioxide, or dry chemical are provided, approved equipment shall be used and installed in an approved manner.

(c) Alarm systems. An approved means for prompt notification of fire to those within the plant and any public fire department available shall be provided. It may be advisable to connect the plant system with the public system where public fire alarm system is available.

(d) Maintenance. All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition and that they will serve their purpose in time of emergency.

(7) Sources of ignition.

(a) General. (i) Precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical, any mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(ii) Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(b) Maintenance and repair. (i) When necessary to do maintenance work in a flammable or combustible liquid processing area, the work shall be authorized by a responsible representative of the employer.

(ii) Hot work such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge who shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(c) Electrical. (i) All electrical wiring and equipment within storage or processing areas shall be installed in accordance with nationally recognized good practice.

(ii) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of WAC 296-24-950 and WAC 296-24-955. For those pieces of equipment installed in accordance with (3)(c)(ii) of this section, the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(iii) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of WAC 296-24-950 and WAC 296-24-955. These locations include an area within 20 feet horizontally, 3 feet vertically beyond a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fittings, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(iv) Where the provisions of (7)(c)(i), (ii), and (iii) of this section require the installation of explosion-proof equipment, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) Housekeeping.

(a) General. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(b) Access. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of the processing equipment.

(c) Waste and residues. Combustible waste material and residues in a building or operating area shall be kept to a minimum, stored in closed metal waste cans, and disposed of daily.

(d) Clear zone. Ground area around buildings and operating areas shall be kept free of tall grass, weeds, trash, or other combustible materials.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-33019 REFINERIES, CHEMICAL PLANTS, AND DISTILLERIES.** (1) Storage tanks. Flammable or combustible liquids shall be stored in tanks, in containers, or in portable tanks. Tanks shall be installed in accordance with WAC 296-24-33005. Tanks for the storage of flammable or combustible liquids in tank farms and in locations other than process areas shall be located in accordance with WAC 296-24-33005(2)(a) and (b).

(2) Wharves. Wharves handling flammable or combustible liquids shall be in accordance with WAC 296-24-33013(4).

(3) Fired and unfired pressure vessels.

(a) Fired vessels. Fired pressure vessels shall be constructed in accordance with the Code for Fired Pressure Vessels, section I of the ASME Boiler and Pressure Vessel Code—1968.

(b) Unfired vessels shall be constructed in accordance with the Code for Unfired Pressure Vessels, section VIII of the ASME Boiler and Pressure Vessel Code—1968.

(4) Location of process units. Process units shall be located so that they are accessible from at least one side for the purpose of fire control. ((Where topographical conditions are such that flammable or combustible liquids may flow from a processing area so as to constitute a fire hazard to property of others, provision shall be made to divert or impound the flow by curbs, drains, or other suitable means.))

(5) Fire control.

(a) Portable equipment. Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(b) Water supply. Water shall be available in volume and at adequate pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation and storage.

(c) Special equipment. Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation and storage.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-47501 DEFINITIONS.** (1) API-ASME container. A container constructed in accordance with the requirements of WAC 296-24-47505(3)(a).

(2) ASME container. A container constructed in accordance with the requirements of WAC 296-24-47505(3)(a).

(3) Container assembly. An assembly consisting essentially of the container and fittings for all container openings, including shutoff valves, excess flow valves, liquid-level gaging devices, safety relief devices, and protective housing.

(4) Containers. All vessels, such as tanks, cylinders, or drums, used for transportation or storing liquefied petroleum gases.

(5) DOT. Department of Transportation.

(6) DOT container. A container constructed in accordance with the applicable requirements of 49 CFR chapter 1.

(7) "Liquefied petroleum gases." "LPG" and "LP-Gas". Any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or iso-butane), and butylenes.

(8) Movable fuel storage tenders or farm carts. Containers not in excess of 1,200 gallons water capacity, equipped with wheels to be towed from one location of usage to another. They are basically non-highway vehicles, but may occasionally be moved over public roads or highways. They are used as a fuel supply for farm tractors, construction machinery and similar equipment.

(9) P.S.I.G. Pounds per square inch gauge.

(10) P.S.I.A. Pounds per square inch absolute.

(11) Systems. An assembly of equipment consisting essentially of the container or containers, major devices such as vaporizers, safety relief valves, excess flow valves, regulators, and piping connecting such parts.

(12) Vaporizer-burner. An integral vaporizer-burner unit, dependent upon the heat generated by the burner as the source of heat to vaporize the liquid used for dehydrators or dryers.

(13) Ventilation, adequate. When specified for the prevention of fire during normal operation, ventilation shall be considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit.

(14) Approved. Unless otherwise indicated, listing or approval by the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factual Mutual Engineering Corp.

(15) Listed. See "approved" in WAC 296-24-47501(14).

(16) DOT Specifications. Regulations of the Department of Transportation published in 49 CFR chapter 1.

(17) ~~(DOT regulations. See WAC 296-24-47501(16).~~

~~(18) DOT requirements. See WAC 296-24-47501(16).~~

~~(19))~~ DOT cylinders. Cylinders meeting the requirements of 49 CFR Chapter 1.

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-47505 BASIC RULES.** (1) Odorizing gases.

(a) All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by distinct odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of flammability. Odorization, however, is not required if harmful in the use of further processing of the liquefied petroleum gas, or if odorization will serve no useful purpose as a warning agent in such use or further processing.

(b) The odorization requirement of (1)(a) of this section shall be considered to be met by the use of 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophane or 1.4 pounds of amyl mercaptan per 10,000 gallons of LP-Gas. However, this listing of odorants and quantities shall not exclude the use of other odorants that meet the odorization requirements of (1)(a) of this section.

(2) Approval of equipment and systems.

(a) Each system utilizing DOT containers in accordance with 49 CFR Part 178 shall have its container valves, connectors, manifold valve assemblies, and regulators approved.

(b) Each system for domestic or commercial use utilizing containers of 2,000 gallons or less water capacity, other than those constructed in

accordance with 49 CFR Part 178, shall consist of a container assembly and one or more regulators, and may include other parts. The system as a unit or the container assembly as a unit, and the regulator or regulators, shall be individually listed.

(c) In systems utilizing containers of over 2,000 gallons water capacity, each regulator, container, valve, excess flow valve, gaging device, and relief valve installed on or at the container, shall have its correctness as to design, construction, and performance determined by listing by Underwriters Laboratories, Inc., or Factory Mutual Engineering Corp.

(d) The provisions of (3)(a) of this section shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58 in effect at the time of fabrication.

(e) Containers used with systems embodied in WAC 296-24-47505, WAC 296-24-47509(3)(c) and WAC 296-24-47513, shall be constructed, tested, and stamped in accordance with DOT specifications effective at the date of their manufacture.

(3) Requirements for construction and original test of containers.

(a) Containers used with systems embodied in WAC 296-24-47509, WAC 296-24-47513 through WAC 296-24-47517, except as provided in WAC 296-24-47511(3)(c) and WAC 296-24-47515(2)(a), shall be designed, constructed, and tested in accordance with the Rules for Construction of Unfired Pressure Vessels, section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, 1968 edition.

(b) Containers constructed according to the 1949 and earlier editions of the ASME Code do not have to comply with U-2 through U-10 and U-19 thereof. Containers constructed according to U-70 in the 1949 and earlier editions do not meet the requirements of this section.

(c) Containers designed, constructed, and tested prior to July 1, 1961, according to the Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 edition with 1954 Addenda, of the American Petroleum Institute and the American Society of Mechanical Engineers shall be considered in conformance. Containers constructed according to API-ASME Code do not have to comply with section I or with appendix to section I. W-601 to W-606 inclusive in the 1943 and earlier editions do not apply.

(4) Welding of containers.

(a) Welding to the shell, head, or any other part of the container subject to internal pressure, shall be done in compliance with the code under which the tank was fabricated. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the tank manufacturer.

(b) Where repair or modification involving welding of DOT containers is required, the container shall be returned to a qualified manufacturer making containers of the same type, and the repair or modification made in compliance with DOT regulations.

(5) Markings on container.

(a) Each container covered in (3)(a) of this section except as provided in (2)(d) of this section shall be marked as specified in the following:

(i) With a marking identifying compliance with, and other markings required by, the rules of the reference under which the container is constructed; or with the stamp and other markings required by the laws, rules or regulations as administered by the State of Washington, Department of Labor and Industries pertaining to such containers.

(ii) With notation as to whether the container is designed for underground or aboveground installation or both. If intended for both and different style hoods are provided, the marking shall indicate the proper hood for each type of installation.

(iii) With the name and address of the supplier of the container, or with the trade name of the container.

(iv) With the water capacity of the container in pounds or gallons, U.S. Standard.

(v) With the pressure in p.s.i.g. for which the container is designed.

(vi) With the wording "This container shall not contain a product having a vapor pressure in excess of—p.s.i.g. at 100°F." see WAC 296-24-47509, Table H-31.

(vii) With the tare weight in pounds or other identified unit of weight for containers with a water capacity of 300 pounds or less.

(viii) With marking indicating the maximum level to which the container may be filled with liquid at temperatures between 20°F. and 130°F., except on containers provided with fixed maximum level indicators or which are filled by weighing. Markings shall be increments of

not more than 20°F. This marking may be located on the liquid level gaging device.

(ix) With the outside surface area in square feet.

(b) Markings specified shall be on a metal nameplate attached to the container and located in such a manner as to remain visible after the container is installed.

(c) When LP-Gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with American National Standard Z48.1-1954, "Method of Marking Portable Compressed Gas Containers To Identify the Material Contained."

(6) Location of containers and regulating equipment.

(a) Containers, and first stage regulating equipment if used, shall be located outside of buildings, except under one or more of the following:

(i) In buildings used exclusively for container charging, vaporization pressure reduction, gas mixing, gas manufacturing, or distribution.

(ii) When portable use is necessary and in accordance with WAC 296-24-47507(5).

(iii) LP-Gas fueled stationary or portable engines in accordance with WAC 296-24-47511(11) or (12).

(iv) LP-Gas fueled industrial trucks used in accordance with WAC 296-24-47511(13).

(v) LP-Gas fueled vehicles garaged in accordance with WAC 296-24-47511(14).

(vi) Containers awaiting use or resale when stored in accordance with WAC 296-24-47513.

(b) Each individual container shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built on in accordance with Table H-23.

TABLE H-23

Water capacity per container	Minimum distances		
	Under-ground	Above-ground	Between above-ground containers
Less than 125 gals	10 feet	None	None.
125 to 250 gallons	10 feet	10 feet	None.
251 to 500 gallons	10 feet	10 feet	3 feet.
501 to 2,000 gallons	25 feet <sup>2</sup>	25 feet <sup>2</sup>	3 feet.
2,001 to 30,000 gallons	50 feet	50 feet	5 feet.
30,001 to 70,000 gallons	50 feet	75 feet	1/4 of sum of diameters of adjacent containers.
70,001 to 90,000 gallons	50 feet	100 feet	

<sup>1</sup>If the aggregate water capacity of a multi-container installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. Do not apply the MINIMUM DISTANCES BETWEEN ABOVE-GROUND CONTAINERS to such installations.

<sup>2</sup>NOTE: The above distance requirements may be reduced to not less than 10 feet for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 feet from any other LP-Gas container of more than 125 gallons water capacity.

(c) Containers installed for use shall not be stacked one above the other.

(d) ~~((In industrial installations involving containers of 100,000 gallons aggregate water capacity or more, where serious mutual exposures between the container and adjacent properties prevail, firewalls or other means of special protection designed and constructed in accordance with good engineering practices are required.~~

(e)) In the case of buildings devoted exclusively to gas manufacturing and distributing operations, the distances required by Table H-23

may be reduced provided that in no case shall containers of water capacity exceeding 500 gallons be located closer than 10 feet to such gas manufacturing and distributing buildings.

((f)) (e) Readily ignitable material such as weeds and long dry grass shall be removed within 10 feet of any container.

((g)) (f) The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the centerline of the dike shall be 10 feet. The foregoing provision shall not apply when LP-Gas containers of 125 gallons or less capacity are installed adjacent to Class III flammable liquid tanks of 275 gallons or less capacity.

((h)) (g) Suitable means shall be taken to prevent the accumulation of flammable liquids under adjacent liquefied petroleum gas containers, such as by diking, diversion curbs, or grading.

((i)) (h) When dikes are used with flammable liquid tanks, no liquefied petroleum gas containers shall be located within the diked area.

(7) Container valves and container accessories.

(a) Valves, fittings, and accessories connected directly to the container including primary shutoff valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.

(b) Connections to containers, except safety relief connections, liquid level gaging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(c) Excess flow valves, where required shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(d) Liquid level gaging devices which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(e) Openings from container or through fittings attached directly on container to which pressure gage connection is made, need not be equipped with shutoff or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

(f) Except as provided in WAC 296-24-47507(5)(a)(ii), excess flow and back pressure check valves where required by this section shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve.

(g) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

(h) Containers of more than 30 gallons water capacity and less than 2,000 gallons water capacity, filled on a volumetric basis, and manufactured after December 1, 1963, shall be equipped for filling into the vapor space.

(8) Piping—Including pipe, tubing, and fittings.

(a) Pipe, except as provided in WAC 296-24-47511(6)(a) and WAC 296-24-47515(10)(c) shall be wrought iron or steel (black or galvanized), brass, copper, or aluminum alloy. Aluminum alloy pipe shall be at least Schedule 40 in accordance with the specifications for Aluminum Alloy Pipe, American National Standards Institute (AMSI) H38.7-1969 (ASTM, B241-1969), except that the use of alloy 5456 is prohibited and shall be suitably marked at each end of each length indicating compliance with American National Standard Institute Specifications. Aluminum Alloy pipe shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by such liquids as water (except rain water), detergents, sewage, or leaking from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum nominal pipe size for aluminum pipe shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy pipe shall not be installed within 6 inches of the ground.

(i) Vapor piping with operating pressures not exceeding 125 p.s.i.g. shall be suitable for a working pressure of at least 125 p.s.i.g. Pipe shall be at least Schedule 40 ASTM A-53-69, Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal.

(ii) Vapor piping with operating pressures over 125 p.s.i.g. and all liquid piping shall be suitable for a working pressure of at least 250 p.s.i.g. Pipe shall be at least Schedule 80 if joints are threaded or

threaded and back welded. At least Schedule 40 (ASTM A-53-1969 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal) shall be used if joints are welded, or welded and flanged.

(b) Tubing shall be seamless and of copper, brass, steel, or aluminum alloy. Copper tubing shall be of type K or L or equivalent as covered in the Specification for Seamless Copper Water Tube, ANSI H23.1-1970 (ASTM B88-1969). Aluminum alloy tubing shall be of Type A or B or equivalent as covered in Specification ASTM B210-1968 and shall be suitably marked every 18 inches indicating compliance with ASTM Specifications. The minimum nominal wall thickness of copper tubing and aluminum alloy tubing shall be as specified in Table H-24 and Table H-25.

**TABLE H-24**  
**WALL THICKNESS OF COPPER TUBING<sup>1</sup>**

NOTE: The standard size by which tube is designated is 1/8-inch smaller than its nominal outside diameter.

Standard size (inches)	Nominal O.D. (inches)	Nominal wall thickness (inches)	
		Type K	Type L
1/4	0.375	0.035	0.030
3/8	0.500	0.049	0.035
1/2	0.625	0.049	0.040
5/8	0.750	0.049	0.042
3/4	0.875	0.065	0.045
1	1.125	0.065	0.050
1 1/4	1.375	0.065	0.055
1 1/2	1.625	0.072	0.060
2	2.125	0.083	0.070

<sup>1</sup>Based on data in Specification for Seamless Copper Water Tubing, ANSI H23.1-1970 (ASTM B-88-69).

**TABLE H-25**  
**WALL THICKNESS OF ALUMINUM ALLOY TUBING<sup>1</sup>**

Outside diameter (inches)	Nominal wall thickness (inches)	
	Type A	Type B
3/8	0.035	0.049
1/2	0.035	0.049
5/8	0.042	0.049
3/4	0.049	0.058

<sup>1</sup>Based on data in Standard Specification for Aluminum-Alloy Drawn Seamless Coiled Tubes for Special Purpose Applications, ASTM B210-68.

Aluminum alloy tubing shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by liquids such as water (except rainwater), detergents, sewage, or leakage from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum outside diameter for aluminum alloy tubing shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy tubing shall not be installed within 6 inches of the ground.

(c) In systems where the gas in liquid form without pressure reduction enters the building, only heavy walled seamless brass or copper tubing with an internal diameter not greater than three thirty-seconds inch, and a wall thickness of not less than three sixty-fourths inch shall be used. This requirement shall not apply to research and experimental laboratories, buildings, or separate fire divisions of buildings

used exclusively for housing internal combustion engines, and to commercial gas plants or bulk stations where containers are charged, nor to industrial vaporizer buildings, nor to buildings, structures, or equipment under construction or undergoing major renovation.

(d) Pipe joints may be screwed, flanged, welded, soldered, or brazed with a material having a melting point exceeding 1,000°F. Joints on seamless copper, brass, steel, or aluminum alloy gas tubing shall be made by means of approved gas tubing fittings, or soldered or brazed with a material having a melting point exceeding 1,000°F.

(e) For operating pressures of 125 p.s.i.g. or less, fittings shall be designed for a pressure of at least 125 p.s.i.g. For operating pressures above 125 p.s.i.g., fittings shall be designed for a minimum of 250 p.s.i.g.

(f) The use of threaded cast iron pipe fittings such as ells, tees, crosses, couplings, and unions is prohibited. Aluminum alloy fittings shall be used with aluminum alloy pipe and tubing. Insulated fittings shall be used where aluminum alloy pipe or tubing connects with a dissimilar metal.

(g) Strainers, regulators, meters, compressors, pumps, etc., are not to be considered as pipe fittings. This does not prohibit the use of malleable, nodular, or higher strength gray iron for such equipment.

(h) All materials such as valve seats, packing, gaskets, diaphragms, etc., shall be of such quality as to be resistant to the action of liquefied petroleum gas under the service conditions to which they are subjected.

(i) All piping, tubing, or hose shall be tested after assembly and proved free from leaks at not less than normal operating pressures. After installation, piping and tubing of all domestic and commercial systems shall be tested and proved free of leaks using a manometer or equivalent device that will indicate a drop in pressure. Test shall not be made with a flame.

(j) Provision shall be made to compensate for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(k) Piping outside buildings may be buried, above ground, or both, but shall be well supported and protected against physical damage. Where soil conditions warrant, all piping shall be protected against corrosion. Where condensation may occur, the piping shall be pitched back to the container, or suitable means shall be provided for reevaporation of the condensate.

(9) Hose specifications.

(a) Hose shall be fabricated of materials that are resistant to the action of LP-Gas in the liquid and vapor phases. If wire braid is used for reinforcing the hose, it shall be of corrosion-resistant material such as stainless steel.

(b) Hose subject to container pressure shall be marked "LP-Gas" or "LPG" at not greater than 10-foot intervals.

(c) Hose subject to container pressure shall be designed for a bursting pressure of not less than 1,250 p.s.i.g.

(d) Hose subject to container pressure shall have its correctness as to design construction and performance determined by being listed (see WAC 296-24-47501(15)).

(e) Hose connections subject to container pressure shall be capable of withstanding, without leakage, a test pressure of not less than 500 p.s.i.g.

(f) Hose and hose connections on the low-pressure side of the regulator or reducing valve shall be designed for a bursting pressure of not less than 125 p.s.i.g. or five times the set pressure of the relief devices protecting that portion of the system, whichever is higher.

(g) Hose may be used on the low-pressure side of regulators to connect to other than domestic and commercial gas appliances under the following conditions:

(i) The appliances connected with hose shall be portable and need a flexible connection.

(ii) For use inside buildings the hose shall be of minimum practical length, but shall not exceed 6 feet except as provided in WAC 296-24-47507(5)(a)(vii) and shall not extend from one room to another, nor pass through any walls, partitions, ceilings, or floors. Such hose shall not be concealed from view or used in a concealed location. For use outside of buildings, the hose may exceed this length but shall be kept as short as practical.

(iii) The hose shall be approved and shall not be used where it is likely to be subjected to temperatures above 125°F. The hose shall be securely connected to the appliance and the use of rubber slip ends shall not be permitted.

(iv) The shutoff valve for an appliance connected by hose shall be in the metal pipe or tubing and not at the appliance end of the hose.

When shutoff valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

(v) Hose used for connecting to wall outlets shall be protected from physical damage.

(10) Safety devices.

(a) Every container except those constructed in accordance with DOT specifications and every vaporizer (except motor fuel vaporizers and except vaporizers described in (11)(b)(iii) of this section and WAC 296-24-47509 (4)(e)(i)) whether heated by artificial means or not, shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into the building which is below such discharge. The rate of discharge shall be in accordance with the requirements of (10)(b) of this section or (10)(c) of this section in the case of vaporizers.

(b) Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with DOT specification shall be as follows:

Surface area (sq. ft.)	Flow rate CFM air
20 or less	626
25	751
30	872
35	990
40	1,100
45	1,220
50	1,330
55	1,430
60	1,540
65	1,640
70	1,750
75	1,850
80	1,950
85	2,050
90	2,150
95	2,240
100	2,340
105	2,440
110	2,530
115	2,630
120	2,720
125	2,810
130	2,900
135	2,990
140	3,080
145	3,170
150	3,260
155	3,350
160	3,440
165	3,530
170	3,620
175	3,700
180	3,790
185	3,880
190	3,960
195	4,050
200	4,130
210	4,300
220	4,470
230	4,630
240	4,800
250	4,960
260	5,130
270	5,290
280	5,450
290	5,610
300	5,760
310	5,920
320	6,080
330	6,230
340	6,390
350	6,540
360	6,690

Surface area (sq. ft.)	Flow rate CFM air
370	6,840
380	7,000
390	7,150
400	7,300
450	8,040
500	8,760
550	9,470
600	10,170
650	10,860
700	11,550
750	12,220
800	12,880
850	13,540
900	14,190
950	14,830
1,000	15,470
1,050	16,100
1,100	16,720
1,150	17,350
1,200	17,960
1,250	18,570
1,300	19,180
1,350	19,780
1,400	20,380
1,450	20,980
1,500	21,570
1,550	22,160
1,600	22,740
1,650	23,320
1,700	23,900
1,750	24,470
1,800	25,050
1,850	25,620
1,900	26,180
1,950	26,750
2,000	27,310

Surface area = total outside surface area of container in square feet.

When the surface area is not stamped on the nameplate or when the marking is not legible, the area can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads:

$$\text{Area} = \text{Overall length} \times \text{outside diameter} \times 3.1416.$$

(2) Cylindrical container with other than hemispherical heads:

$$\text{Area} = (\text{Overall length} + 0.3 \text{ outside diameter}) \times \text{outside diameter} \times 3.1416.$$

NOTE: This formula is not exact, but will give results within the limits of practical accuracy for the sole purpose of sizing relief valves.

(3) Spherical container:

$$\text{Area} = \text{Outside diameter squared} \times 3.1416.$$

Flow Rate—CFM Air = Required flow capacity in cubic feet per minute of air at standard conditions, 60F. and atmospheric pressure (14.7 p.s.i.a.).

The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,000 square feet, the required flow rate can be ((~~calculate~~ ~~{calculated}~~) calculated using the formula, Flow Rate—CFM Air = 53.632 A(superscript 0.82).

A = Total outside surface area of the container in square feet.

Valves not marked "Air" have flow rate marking in cubic feet per minute of liquefied petroleum gas. These can be converted to ratings in cubic feet per minute of air by multiplying the liquefied petroleum gas ratings by factors listed below. Air flow ratings can be converted to ratings in cubic feet per minute of liquefied petroleum gas by dividing the air ratings by the factors listed below.

AIR CONVERSION FACTORS

Container type	100	125	150	175	200
Air conversion factor	1.162	1.142	1.113	1.078	1.010

(c) Minimum required rate of discharge for safety relief valves for liquefied petroleum gas vaporizers (steam heated, water heated, and direct fired).

The minimum required rate of discharge for safety relief valves shall be determined as follows:

(i) Obtain the total surface area by adding the surface area of vaporizer shell in square feet directly in contact with LP-Gas and the heat exchanged surface area in square feet directly in contact with LP-Gas.

(ii) Obtain the minimum required rate of discharge in cubic feet of air per minute, at 60°F. and 14.7 p.s.i.a. from (10)(b) of this section, for this total surface area.

(d) Container and vaporizer safety relief valves shall be set to start-to-discharge, with relation to the design pressure of the container, in accordance with Table H-26.

TABLE H-26

Containers	Minimum (percent)	Maximum (percent)
ASME Code; Par. U-68, U-69—1949 and earlier editions	110	<sup>1</sup> 125
ASME Code; Par. U-200, U-201—1949 edition	88	<sup>1</sup> 100
ASME Code—1950, 1952, 1956, 1959, 1962, 1965 and 1968 (Division I) editions	88	<sup>1</sup> 100
API—ASME Code—all editions	88	<sup>1</sup> 100
DOT—As prescribed in 49 CFR Chapter I		

<sup>1</sup>Manufacturers of safety relief valves are allowed a plus tolerance not exceeding 10 percent of the set pressure marked on the valve.

(e) Safety relief devices used with systems employing containers other than those constructed according to DOT specifications shall be so constructed as to discharge at not less than the rates shown in (10)(b) of this section, before the pressure is in excess of 120 percent of the maximum (not including the 10 percent referred to in (10)(d) of this section) permitted start to discharge pressure setting of the device.

(f) In certain locations sufficiently sustained high temperatures prevail which require the use of a lower vapor pressure product to be stored or the use of a higher designed pressure vessel in order to prevent the safety valves opening as the result of these temperatures. As an alternative the tanks may be protected by cooling devices such as by spraying, by shading, or other effective means.

(g) Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(h) Shutoff valves shall not be installed between the safety relief devices and the container, or the equipment or piping to which the safety relief device is connected except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(i) Safety relief valves shall have direct communication with the vapor space of the container at all times.

(j) Each container safety relief valve used with systems covered by WAC 296-24-47509, WAC 296-24-47511, WAC 296-24-47515 and WAC 296-24-47517, except as provided in WAC 296-24-

47511(3)(c) shall be plainly and permanently marked with the following: "Container Type" of the pressure vessel on which the valve is designed to be installed; the pressure in p.s.i.g. at which the valve is set to discharge; the actual rate of discharge of the valve in cubic feet per minute of air at 60°F. and 14.7 p.s.i.a.; and the manufacturer's name and catalog number, for example: T200-250-4050 AIR—indicating that the valve is suitable for use on a Type 200 container, that it is set to start to discharge at 250 p.s.i.g.; and that its rate of discharge is 4,050 cubic feet per minute of air as determined in (10)(b) of this section.

(k) Safety relief valve assemblies, including their connections, shall be of sufficient size so as to provide the rate of flow required for the container on which they are installed.

(l) A hydrostatic relief valve shall be installed between each pair of shutoff valves on liquefied petroleum gas liquid piping so as to relieve into a safe atmosphere. The start-to-discharge pressure setting of such relief valves shall not be in excess of 500 p.s.i.g. The minimum setting on relief valves installed in piping connected to other than DOT containers shall not be lower than 140 percent of the container relief valve setting and in piping connected to DOT containers not lower than 400 p.s.i.g. Such a relief valve should not be installed in the pump discharge piping if the same protection can be provided by installing the relief valve in the suction piping. The start-to-discharge pressure setting of such a relief valve, if installed on the discharge side of a pump, shall be greater than the maximum pressure permitted by the recirculation device in the system.

(m) The discharge from any safety relief device shall not terminate in or beneath any building, except relief devices covered by (6)(a)(i) to (vi) of this section, or WAC 296-24-47507(4)(a) or (5).

(n) Container safety relief devices and regulator relief vents shall be located not less than five ((5)) feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(11) Vaporizer and housing.

(a) Indirect fired vaporizers utilizing steam, water, or other heating medium shall be constructed and installed as follows:

(i) Vaporizers shall be constructed in accordance with the requirements of (3)(a) to (c) of this section and shall be permanently marked as follows:

(A) With the code marking signifying the specifications to which the vaporizer is constructed.

(B) With the allowable working pressure and temperature for which the vaporizer is designed.

(C) With the sum of the outside surface area and the inside heat exchange surface area expressed in square feet.

(D) With the name or symbol of the manufacturer.

(ii) Vaporizers having an inside diameter of 6 inches or less exempted by the ASME Unfired Pressure Vessel Code, Section VIII of the ASME Boiler and Pressure Vessel Code—1968 shall have a design pressure not less than 250 p.s.i.g. and need not be permanently marked.

(iii) Heating or cooling coils shall not be installed inside a storage container.

(iv) Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other structures of light, noncombustible construction or equivalent, well ventilated near the floor line and roof.

When vaporizing and/or mixing equipment is located in a structure or building not used exclusively for gas manufacturing or distribution, either attached to or within such a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipe or conduit passing through it. Such structure or room shall be provided with adequate ventilation and shall have a roof or at least one exterior wall of light-weight construction.

(v) Vaporizers shall have, at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with (10)(c) of this section, except as provided in WAC 296-24-47509(4)(e)(i).

(vi) The heating medium lines into and leaving the vaporizer shall be provided with suitable means for preventing the flow of gas into the heat systems in the event of tube rupture in the vaporizer. Vaporizers shall be provided with suitable automatic means to prevent liquid passing through the vaporizers to the gas discharge piping.

(vii) The device that supplies the necessary heat for producing steam, hot water, or other heating medium may be installed in a



building, compartment, room, or lean-to which shall be ventilated near the floorline and roof to the outside. The device location shall be separated from all compartments or rooms containing liquefied petroleum gas vaporizers, pumps, and central gas mixing devices by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. This requirement does not apply to the domestic water heaters which may supply heat for a vaporizer in a domestic system.

(viii) Gas-fired heating systems supplying heat exclusively for vaporization purposes shall be equipped with automatic safety devices to shut off the flow of gas to main burners, if the pilot light should fail.

(ix) Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

(x) Vaporizers shall not be equipped with fusible plugs.

(xi) Vaporizer houses shall not have unprotected drains to sewers or sump pits.

(b) Atmospheric vaporizers employing heat from the ground or surrounding air shall be installed as follows:

(i) Buried underground, or

(ii) Located inside the building close to a point at which pipe enters the building provided the capacity of the unit does not exceed 1 quart.

(iii) Vaporizers of less than 1 quart capacity heated by the ground or surrounding air, need not be equipped with safety relief valves provided that adequate tests demonstrate that the assembly is safe without safety relief valves.

(c) Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

(i) In accordance with the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code—1968 that are applicable to the maximum working conditions for which the vaporizer is designed.

(ii) With the name of the manufacturer; rated BTU input to the burner; the area of the heat exchange surface in square feet; the outside surface of the vaporizer in square feet; and the maximum vaporizing capacity in gallons per hour.

(iii) Vaporizers may be connected to the liquid section or the gas section of the storage container, or both; but in any case there shall be at the container a manually operated valve in each connection to permit completely shutting off when desired, of all flow of gas or liquid from container to vaporizer.

(iv) Vaporizers with capacity not exceeding 35 gallons per hour shall be located at least 5 feet from container shutoff valves. Vaporizers having capacity of more than 35 gallons but not exceeding 100 gallons per hour shall be located at least 10 feet from the container shutoff valves. Vaporizers having a capacity greater than 100 gallons per hour shall be located at least 15 feet from container shutoff valves.

(v) Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for vaporizing or mixing of liquefied petroleum gas. Vaporizing housing structures shall be of noncombustible construction, well ventilated near the floorline and the highest point of the roof. When vaporizer and/or mixing equipment is located in a structure or room attached to or within a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. Such structure or room shall be provided with adequate ventilation, and shall have a roof or at least one exterior wall of light-weight construction.

(vi) Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with (10)(c) of this section. The relief valve shall be so located as not to be subjected to temperatures in excess of 140°F.

(vii) Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

(viii) Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

(ix) Vaporizers shall be equipped with automatic safety devices to shut off the flow of gas to main burners if the pilot light should fail. When the flow through the pilot exceeds 2,000 B.T.U. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(x) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired vaporizer shall be separated from the open flame by a substantially airtight noncombustible partition or partitions.

(xi) Except as provided in (11)(c)(v), of this section, the following minimum distances shall be maintained between direct fired vaporizers and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for vaporizers having a capacity of 15 gallons per hour or less vaporizing capacity.

Twenty-five feet for vaporizers having a vaporizing capacity of 16 to 100 gallons per hour.

Fifty feet for vaporizers having a vaporizing capacity exceeding 100 gallons per hour.

(xii) Direct fired vaporizers shall not raise the product pressure above the design pressure of the vaporizer equipment nor shall they raise the product pressure within the storage container above the pressure shown in the second column of Table H-31. (See WAC 296-24-47509.)

(xiii) Vaporizers shall not be provided with fusible plugs.

(xiv) Vaporizers shall not have unprotected drains to sewers or sump pits.

(d) Direct gas-fired tank heaters, shall be constructed and installed as follows:

(i) Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed above ground.

(ii) Tank heaters shall be permanently marked with the name of the manufacturer, the rated B.T.U. input to the burner, and the maximum vaporizing capacity in gallons per hour.

NOTE: Tank heaters may be an integral part of a fuel storage container directly connected to the container liquid section, or vapor section, or both.

(iii) Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

(iv) Tank heaters shall be equipped with an automatic safety device to shut off the flow of gas to main burners, if the pilot light should fail. When flow through pilot exceeds 2,000 B.T.U. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(v) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired tank heater shall be separated from the open flame by a substantially airtight noncombustible partition.

(vi) The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for storage containers of less than 500 gallons water capacity.

Twenty-five feet for storage containers of 500 to 1,200 gallons water capacity.

Fifty feet for storage containers of over 1,200 gallons water capacity.

(vii) No direct fired tank heater shall raise the product pressure within the storage container over 75 percent of the pressure set out in the second column of Table H-31. (See WAC 296-24-47509.)

(e) The vaporizer section of vaporizer-burners used for dehydrators or dryers shall be located outside of buildings; they shall be constructed and installed as follows:

(i) Vaporizer-burners shall have a minimum design pressure of 250 p.s.i.g. with a factor of safety of five.

(ii) Manually operated positive shutoff valves shall be located at the containers to shut off all flow to the vaporizer-burners.

(iii) Minimum distances between storage containers and vaporizer-burners shall be as follows:

Water capacity per container (gallons)	Minimum distances (feet)
Less than 501	10
501 to 2,000	25
Over 2,000	50

(iv) The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. The relief valve shall be located so as not to be subjected to temperatures in excess of 140°F. The start-to-discharge pressure setting shall be such as to protect the components involved, but not less than 250 p.s.i.g. The discharge shall be directed upward and away from component parts of the equipment and away from operating personnel.

(v) Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.



(vi) Vaporizer-burners shall be equipped with automatic safety devices to shut off the flow of gas to the main burner and pilot in the event the pilot is extinguished.

(vii) Pressure regulating and control equipment shall be located or protected so that the temperatures surrounding this equipment shall not exceed 140°F. except that equipment components may be used at higher temperatures if designed to withstand such temperatures.

(viii) Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

(ix) The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

(x) Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

(xi) Equipment utilizing vaporizer-burners shall be equipped with automatic shutoff devices upstream and downstream of the vaporizer section connected so as to operate in the event of excessive temperature, flame failure, and, if applicable, insufficient airflow.

(12) Filling densities.

(a) The "filling density" is defined as the percent ratio of the weight of the gas in a container to the weight of water the container will hold at 60°F. All containers shall be filled according to the filling densities shown in Table H-27.

TABLE H-27  
MAXIMUM PERMITTED FILLING DENSITY

Specific gravity at 60°F. (15.6°C.)	Above ground containers		Under-ground containers, all capacities
	0 to 1,200 U.S. gals. (1,000 imp. gal. total water cap.	Over 1,200 U.S. gals. (1,000 imp. gals. 4,550 liters total water cap.	
	Percent	Percent	Percent
0.496-0.503	41	44	45
.504-.510	42	45	46
.511-.519	43	46	47
.520-.527	44	47	48
.528-.536	45	48	49
.537-.544	46	49	50
.545-.552	47	50	51
.553-.560	48	51	52
.561-.568	49	52	53
.569-.576	50	53	54
.577-.584	51	54	55
.585-.592	52	55	56
.593-.600	53	56	57

(b) Except as provided in (12)(c) of this section, any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under DOT jurisdiction or constructed in accordance with 49 CFR Chapter I Specifications shall be charged according to 49 CFR Chapter I requirements.

(c) Portable containers not subject to DOT jurisdiction (such as, but not limited to, motor fuel containers on industrial and lift trucks, and farm tractors covered in (5) of this section, or containers recharged at the installation) may be filled either by weight, or by volume using a fixed length dip tube gaging device.

(13) LP-Gas in buildings.

(a) Vapor shall be piped into buildings at pressures in excess of 20 p.s.i.g. only if the buildings or separate areas thereof, (i) are constructed in accordance with this section; (ii) are used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; (iii) buildings, structures, or equipment under construction or undergoing major renovation.

(b) Liquid may be permitted in buildings as follows:

(i) Buildings, or separate areas of buildings, used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; and when such buildings, or separate areas thereof are constructed in accordance with this section.

(ii) Buildings, structures, or equipment under construction or undergoing major renovation provided the temporary piping meets the following conditions:

(A) Liquid piping inside the building shall conform to the requirements of (8) of this section, and shall not exceed three-fourths iron pipe size. Copper tubing with an outside diameter of three-fourths inch or less may be used provided it conforms to Type K of Specifications for Seamless Water Tube, ANSI H23.1-1970 (ASTM B88-1969) (See WAC 296-24-47505 Table H-24). All such piping shall be protected against construction hazards. Liquid piping inside buildings shall be kept to a minimum. Such piping shall be securely fastened to walls or other surfaces so as to provide adequate protection from breakage and so located as to subject the liquid line to lowest ambient temperatures.

(B) A shutoff valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shutoff valve shall also be placed at the appliance end of the intermediate branch line. Such shutoff valve shall be upstream of any flexible connector used with the appliance.

(C) Suitable excess flow valves shall be installed in the container outlet line supplying liquid LP-Gas to the building. A suitable excess flow valve shall be installed immediately downstream of each shutoff valve. Suitable excess flow valves shall be installed where piping size is reduced and shall be sized for the reduced size piping.

(D) Hydrostatic relief valves shall be installed in accordance with (10)(1) of this section.

(E) The use of hose to carry liquid between the container and the building or at any point in the liquid line, except at the appliance connector, shall be prohibited.

(F) Where flexible connectors are necessary for appliance installation, such connectors shall be as short as practicable and shall comply with (8)(b) or (9) of this section.

(G) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(aa) Using an approved automatic quick-closing coupling (a type closing in both directions when coupled in the fuel line), or

(bb) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

(cc) Portable containers shall not be taken into buildings except as provided in (6)(a) of this section.

(14) Transfer of liquids. The employer shall assure that (a) at least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product.

(b) Containers shall be filled or used only upon authorization of the owner.

(c) Containers manufactured in accordance with specifications of 49 CFR Part 178 and authorized by 49 CFR Chapter 1 as a "single trip" or "nonrefillable container" shall not be refilled or reused in LP-Gas service.

(d) Gas or liquid shall not be vented to the atmosphere to assist in transferring contents of one container to another, except as provided in WAC 296-24-47511(5)(d) and except that this shall not preclude the use of listed pump utilizing LP-Gas in the vapor phase as a source of energy and venting such gas to the atmosphere at a rate not to exceed that from a No. 31 drill size opening and provided that such venting and liquid transfer shall be located not less than 50 feet from the nearest important building.

(e) Filling of fuel containers for industrial trucks or motor vehicles from industrial bulk storage containers shall be performed not less than 10 feet from the nearest important masonry-walled building or not less than 25 feet from the nearest important building or other construction and, in any event, not less than 25 feet from any building opening.

(f) Filling of portable containers, containers mounted on skids, fuel containers on farm tractors, or similar applications, from storage containers used in domestic or commercial service, shall be performed not less than 50 feet from the nearest important building.

(g) The filling connection and the vent from the liquid level gages in containers, filled at point of installation, shall not be less than 10 feet

in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(h) Fuel supply containers shall be gaged and charged only in the open air or in buildings especially provided for that purpose.

(i) The maximum vapor pressure of the product at 100°F. which may be transferred into a container shall be in accordance with WAC 296-24-47509(2) and WAC 296-24-47511(3). (For DOT containers use DOT requirements.)

(j) Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

(k) Pumps or compressors shall be designed for use with LP-Gas. When compressors are used they shall normally take suction from the vapor space of the container being filled and discharge to the vapor space of the container being emptied.

(l) Pumping systems, when equipped with a positive displacement pump, shall include a recirculating device which shall limit the differential pressure on the pump under normal operating conditions to the maximum differential pressure rating of the pump. The discharge of the pumping system shall be protected so that pressure does not exceed 350 p.s.i.g. If a recirculation system discharges into the supply tank and contains a manual shutoff valve, an adequate secondary safety recirculation system shall be incorporated which shall have no means of rendering it inoperative. Manual shutoff valves in recirculation systems shall be kept open except during an emergency or when repairs are being made to the system.

(m) When necessary, unloading piping or hoses shall be provided with suitable bleeder valves for relieving pressure before disconnection.

(n) Agricultural air moving equipment, including crop dryers, shall be shut down when supply containers are being filled unless the air intakes and sources of ignition on the equipment are located 50 feet or more from the container.

(o) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and, in addition, tractors, shall be shut down during refueling.

(15) Tank car or transport truck loading or unloading points and operations.

(a) The track of tank car siding shall be relatively level.

(b) A "Tank Car Connected" sign, as covered by DOT rules, shall be installed at the active end or ends of the siding while the tank car is connected.

(c) While cars are on side track for loading or unloading, the wheels at both ends shall be blocked on the rails.

(d) The employer shall insure that an employee is in attendance at all times while the tank car, cars, or trucks are being loaded or unloaded.

(e) A backflow check valve, excess-flow valve, or a shutoff valve with means of remote closing, to protect against uncontrolled discharge of LP-Gas from storage tank piping shall be installed close to the point where the liquid piping and hose or swing joint pipe is connected.

(f) Except as provided in (15)(g) of this section, when the size (diameter) of the loading or unloading hoses and/or piping is reduced below the size of the tank car or transport truck loading or unloading connections, the adaptors to which lines are attached shall be equipped with either a backflow check valve, a properly sized excess flow valve, or shutoff valve with means of remote closing, to protect against uncontrolled discharge from the tank car or transport truck.

(g) The requirement of (15)(f) of this section shall not apply if the tank car or transport is equipped with a quick-closing internal valve that can be remotely closed.

(h) The tank car or transport truck loading or unloading point shall be located with due consideration to the following:

(i) ~~((Proximity to railroads and highway traffic.~~

~~((iii) The distance of such unloading or loading point from adjacent property.~~

~~((iii)) With respect to buildings on installer's property.~~

~~((iv)) (ii) Nature of occupancy.~~

~~((v)) (iii) Topography.~~

~~((vi)) (iv) Type of construction of buildings.~~

~~((vii)) (v) Number of tank cars or transport trucks that may be safely loaded or unloaded at one time.~~

~~((viii)) (vi) Frequency of loading or unloading.~~

(i) Where practical, the distance of the unloading or loading point shall conform to the distances in (6)(b) of this section.

(16) Instructions. Personnel performing installation, removal, operation, and maintenance work shall be properly trained in such function.

(17) Electrical equipment and other sources of ignition.

(a) Electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with WAC 296-24-950 and WAC 296-24-955, for ordinary locations except that fixed electrical equipment in classified areas shall comply with (18) of this section.

(b) Open flames or other sources of ignition shall not be permitted in vaporizer rooms (except those housing direct-fired vaporizers), pumphouses, container charging rooms or other similar locations. Direct-fired vaporizers shall not be permitted in pumphouses or container charging rooms.

NOTE: Liquefied petroleum gas storage containers do not require lightning protection. Since liquefied petroleum gas is contained in a closed system of piping and equipment, the system need not be electrically conductive or electrically bonded for protection against static electricity (see NFPA No. 77-1972-1973, Recommended Practice for Static Electricity).

(c) Open flames (except as provided for in (17)(b) of this section), cutting or welding, portable electric tools, and extension lights capable of igniting LP-Gas, shall not be permitted within classified areas specified in Table H-28 (see WAC 296-24-47505) unless the LP-Gas facilities have been freed of all liquid and vapor, or special precautions observed under carefully controlled conditions.

(18) Fixed electrical equipment in classified areas. Fixed electrical equipment and wiring installed within classified areas shall comply with Table H-28 (see WAC 296-24-47505) and shall be installed in accordance with WAC 296-24-950 and WAC 296-24-955. This provision does not apply to fixed electrical equipment at residential or commercial installations of LP-Gas systems or to systems covered by WAC 296-24-47511 or WAC 296-24-47515.

(19) Liquid-level gaging device.

(a) Each container manufactured after December 31, 1965, and filled on a volumetric basis shall be equipped with a fixed liquid-level gage to indicate the maximum permitted filling level as provided in (19)(e) of this section. Each container manufactured after December 31, 1969, shall have permanently attached to the container adjacent to the fixed level gage a marking showing the percentage full that will be shown by that gage. When a variable liquid-level gage is also provided, the fixed liquid-level gage will also serve as a means for checking the variable gage. These gages shall be used in charging containers as required in (12) of this section.

(b) All variable gaging devices shall be arranged so that the maximum liquid level for butane, for a 50-50 mixture of butane and propane, and for propane, to which the container may be charged is readily determinable. The markings indicating the various liquid levels from empty to full shall be on the system nameplate or gaging device or part may be on the system nameplate and part on the gaging device. Dials of magnetic or rotary gages shall show whether they are for cylindrical or spherical containers and whether for aboveground or underground service. The dials of gages intended for use only on aboveground containers of over 1,200 gallons water capacity shall be so marked.

(c) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube, and slip tube, shall be designed so that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(d) Gaging devices shall have a design working pressure of at least 250 p.s.i.g.

(e) Length of tube or position of fixed liquid-level gage shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at 40°F. at its maximum permitted filling density for aboveground containers and at 50°F. for underground containers. The employer shall calculate the filling point for which the fixed liquid level gage shall be designed according to the method in this subsection.

TABLE H-28

Part	Location	Extent of classified area <sup>1</sup>	Equipment shall be suitable for National Electrical Code, Class 1, Group D <sup>2</sup>	
A	Storage containers other than DOT cylinders.	Within 15 feet in all directions from connections, except connections otherwise covered in Table H-28.	Division 2.	
B	Tank vehicle and tank car loading and unloading. <sup>3</sup>	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.	
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H-1).	Division 2.	
C	Gage vent openings other than those on DOT cylinders.	Within 5 feet in all directions from point of discharge.	Division 1.	
		Beyond 5 feet but within 15 feet in all directions from point of discharge.	Division 2.	
D	Relief valve discharge other than those on DOT cylinders.	Within direct path of discharge.	Division 1. NOTE—Fixed electrical equipment should preferably not be installed.	
		Within 5 feet in all directions from point of discharge.	Division 1.	
		Beyond 5 feet but within 15 feet in all directions from point of discharge except within the direct path of discharge.	Division 2.	
E	Pumps, compressors, gas-air mixers and vaporizers other than direct fired.			
		Indoors without ventilation	Entire room and any adjacent room not separated by a gastight partition.	Division 1.
			Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening.	Division 2.
		Indoors with adequate ventilation <sup>4</sup>	Entire room and any adjacent room not separated by a gastight partition.	Division 2.

TABLE H-28

Part	Location	Extent of classified area <sup>1</sup>	Equipment shall be suitable for National Electrical Code, Class 1, Group D <sup>2</sup>
	Outdoors in open air at or abovegrade.	Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H-1.	Division 2.
F	Service Station Dispensing Units.	Entire space within dispenser enclosure, and 18 inches horizontally from enclosure exterior up to an elevation 4 ft. above dispenser base. Entire pit or open space beneath dispenser.	Division 1.
		Up to 18 inches abovegrade within 20 ft. horizontally from any edge of enclosure.	Division 2.
NOTE: For pits within this area, see Part F of this table.			
G	Pits or trenches containing or located beneath LP-Gas valves, pumps, compressors, regulators, and similar equipment.		
		Without mechanical ventilation.	Entire pit or trench ——— Division 1. Entire room and any adjacent room not separated by a gastight partition. Division 2.
		With adequate mechanical ventilation.	Within 15 feet in all directions from pit or trench when located outdoors. Division 2. Entire pit or trench ——— Division 2.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
H	Special buildings or rooms for storage of portable containers.	Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.
		Entire room ———	Division 2.
I	Pipelines and connections containing operational bleeds, drips, vents or drains.	Within 5 ft. in all directions from point of discharge.	Division 1.
		Beyond 5 ft. from point of discharge, same as Part E of this table.	

TABLE H-28

Part	Location	Extent of classified area <sup>1</sup>	Equipment shall be suitable for National Electrical Code, Class 1, Group D <sup>2</sup>
J	Container filling:		
	Indoors without ventilation.	Entire room	Division 1.
	Indoors with adequate ventilation <sup>4</sup>	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
	Outdoors in open air	Beyond 5 feet and entire room	Division 2.
		Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade (See Fig. H-1.)	Division 2.

<sup>1</sup>The classified area shall not extend beyond an unpierced wall, roof, or solid wall-tight partition.

<sup>2</sup>See chapter 296-46 WAC, and WAC 296-24-950 and 296-24-955.

<sup>3</sup>When classifying extent of hazardous area, consideration shall be given to possible variations in the spotting of tank cars and tank vehicles at the unloading points and the effect these variations of actual spotting point may have on the point of connection.

<sup>4</sup>Ventilation, either natural or mechanical, is considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit under normal operating conditions.

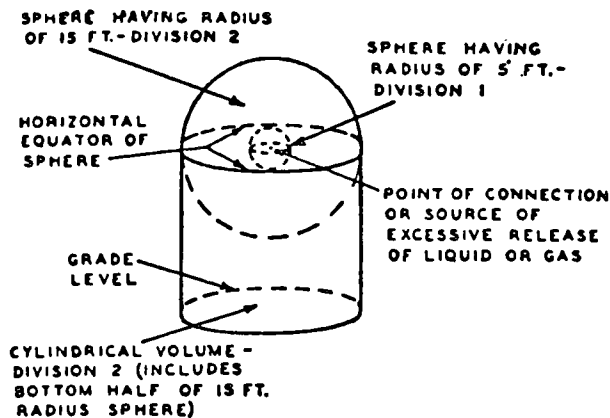


Figure H-1

NOTE: It is impossible to set out in a table the length of a fixed dip tube for various capacity tanks because of the varying tank diameters and lengths and because the tank may be installed either in a vertical or horizontal position. Knowing the maximum permitted filling volume in gallons, however, the length of the fixed tube can be determined by the use of a

strapping table obtained from the container manufacturer. The length of the fixed tube should be such that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum permitted volume as determined by the following formula:

$$\frac{\text{Water capacity (gals.) of container}^* \times \text{filling density}^{**}}{\text{Specific gravity of LP-Gas}^* \times \text{volume correction factor}^{***} \times 100} = \text{Maximum volume of LP-Gas}$$

\*Measure at 60°F.

\*\*From (12(a)) of this section "Filling Densities."

\*\*\*For aboveground containers the liquid temperature is assumed to be 40°F. and for underground containers the liquid temperature is assumed to be 50°F. To correct the liquid volumes at these temperatures to 60°F. the following factors shall be used.

(i) Formula for determining maximum volume of liquefied petroleum gas for which a fixed length of dip tube shall be set:

TABLE H-29  
VOLUME CORRECTION FACTORS

Specific gravity	Aboveground	Underground
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(ii) The maximum volume of LP-Gas which can be placed in a container when determining the length of the dip tube expressed as a percentage of total water content of the container is calculated by the following formula.

(iii) The maximum weight of LP-Gas which may be placed in a container for determining the length of a fixed dip tube is determined by multiplying the maximum volume of liquefied petroleum gas obtained by the formula in (19)(e)(i) of this section by the pounds of liquefied petroleum gas in a gallon at 40°F. for aboveground and at 50°F. for underground containers. For example, typical pounds per gallon are specified below:

Example: Assume a 100-gallon total water capacity tank for aboveground storage of propane having a specific gravity of 0.510 of 60°F.

$$\frac{100 \text{ (gals.)} \times 42 \text{ (filling density from (12)(a) of this section)}}{0.510 \times 1.031 \text{ (correction factor from Table H-29)} \times 100} = \frac{4200}{52.6}$$

79.8 gallons propane, the maximum amount permitted to be placed in a 100-gallon total water capacity aboveground container equipped with a fixed dip tube.

$$\frac{\text{Maximum volume of LP-Gas (from formula in (19)(e)(i) of this section)} \times 100}{\text{Total water content of container in gallons.}} = \text{Maximum percent of LP-Gas}$$

	Aboveground, pounds per gallon	Underground, pounds per gallon
Propane .....	4.37	4.31
N Butane .....	4.97	4.92

(f) Fixed liquid-level gages used on containers other than DOT containers shall be stamped on the exterior of the gage with the letters "DT" followed by the vertical distance (expressed in inches and carried out to one decimal place) from the top of container to the end of the dip tube or to the centerline of the gage when it is located at the maximum permitted filling level. For portable containers that may be filled in the horizontal and/or vertical position the letters "DT" shall be followed by "V" with the vertical distance from the top of the container to the end of the dip tube for vertical filling and with "H" followed by the proper distance for horizontal filling. For DOT containers the stamping shall be placed both on the exterior of the gage and on the container. On aboveground or cargo containers where the gages are positioned at specific levels, the marking may be specified in percent of total tank contents and the marking shall be stamped on the container.

(g) Gage glasses of the columnar type shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra-heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun. Gage glasses of the columnar type are prohibited on tank trucks, and on motor fuel tanks, and on containers used in domestic, commercial, and industrial installations.

(h) Gaging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves provided the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

(20) Requirements for appliances.

(a) Except as provided in (20)(b) of this section, new commercial and industrial gas consuming appliances shall be approved.

(b) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas and is in good condition may be used with LP-Gas only after it is properly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.

(c) Unattended heaters used inside buildings for the purpose of animal or poultry production or care shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burners, and pilot if used, in the event of flame extinguishment.

(d) All commercial, industrial, and agricultural appliances or equipment shall be installed in accordance with the requirements of these standards and in accordance with the following:

(i) Domestic and commercial appliances—NFPA 54-1969, Standard for the Installation of Gas Appliances and Gas Piping.

(ii) Industrial appliances—NFPA 54A-1969, Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises.

(iii) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—NFPA 37-1970.

(iv) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, NFPA 96-1970.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-47507 CYLINDER SYSTEMS.** (1) Application. This section applies specifically to systems utilizing containers constructed in accordance with DOT Specifications. All requirements of WAC 296-24-47505 apply to this section unless otherwise noted in WAC 296-24-47505.

(2) Marking of containers.

(a) Containers shall be marked in accordance with DOT regulations. Additional markings not in conflict with DOT regulations may be used.

(b) Except as provided in (2)(c) of this section each container shall be marked with its water capacity in pounds or other identified unit of weight.

(c) If a container is filled and maintained only by the owner or his representative and if the water capacity of each container is identified by a code, compliance with (2)(b) of this section is not required.

(d) Each container shall be marked with its tare weight in pounds or other identified unit of weight including all permanently attached fittings but not the cap.

(3) Description of a system. A system shall include the container base or bracket, containers, container valves, connectors, manifold valve assembly, regulators, and relief valves.

(4) Containers and regulating equipment installed outside of buildings or structures.

(a) Containers shall not be buried below ground. However, this shall not prohibit the installation in a compartment or recess below grade level, such as a niche in a slope or terrace wall which is used for no other purpose, providing that the container and regulating equipment are not in contact with the ground and the compartment or recess is drained and ventilated horizontally to the outside air from its lowest level, with the outlet at least 3 feet away from any building opening which is below the level of such outlet.

Except as provided in WAC 296-24-47505(10)(m), the discharge from safety relief devices shall be located not less than 3 feet horizontally away from any building opening which is below the level of such discharge and shall not terminate beneath any building unless such space is well ventilated to the outside and is not enclosed on more than two sides.

(b) Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(5) Containers and equipment used inside of buildings or structures.

(a) When operational requirements make portable use of containers necessary and their location outside of buildings or structure is impracticable, containers and equipment are permitted to be used inside of buildings or structures in accordance with (5)(a)(i) through (xii) of this section, and, in addition, such other provisions of this section as are applicable to the particular use or occupancy.

(i) Containers in use shall mean connected for use.

(ii) Systems utilizing containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-Gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets. In either case, an excess flow valve shall be installed in such a manner that any undue strain beyond the excess flow valve will not cause breakage between the container and the excess flow valve. The installation of excess flow valves shall take into account the type of valve protection provided.

(iii) Regulators, if used, shall be either directly connected to the container valves or to manifolds connected to the container valves. The regulator shall be suitable for use with LP-Gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(iv) Valves on containers having a water capacity greater than 50 pounds (nominal 20 pounds LP-Gas capacity) shall be protected while in use.

(v) Containers shall be marked in accordance with WAC 296-24-47505(5)(c) and (2) of this section.

(vi) Pipe or tubing shall conform to WAC 296-24-47505(8) except that aluminum pipe or tubing shall not be used.

(vii) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Hose and hose connections shall have their correctness as to design, construction and performance determined by listing by Underwriters Laboratories, Inc., or Factory Mutual Engineering Corp.

(A) The hose length may exceed the length specified in WAC 296-24-47505(9)(g)(ii), but shall be as short as practicable.

(B) Hose shall be long enough to permit compliance with spacing provisions of this section without kinking or straining or causing hose to be so close to a burner as to be damaged by heat.

(viii) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame extinguishment. Such heaters having inputs above 50,000 B.t.u. manufactured on or after May 17, 1967, and such heaters having inputs above 100,000 B.t.u. manufactured before May 17, 1967, shall be equipped with either:

(A) A pilot which must be lighted and proved before the main burner can be turned on; or

(B) An electric ignition system. The provisions of (5)(viii) of this section do not apply to tar kettle burners, torches, melting pots, nor do they apply to portable heaters under 7,500 B.t.u.h. input when used with containers having a maximum water capacity of 2 1/2 pounds. Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(ix) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located so as to minimize exposure to abnormally high temperatures (such as may result from exposure to convection or radiation from heating equipment or installation in confined spaces), physical damage, or tampering by unauthorized persons.

(x) Heat producing equipment shall be located and used so as to minimize the possibility of ignition of combustibles.

(xi) Containers having water capacity greater than 2 1/2 pounds (nominal 1 pound LP-Gas capacity) connected for use, shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(xii) Containers, including the valve protective devices, shall be installed so as to minimize the probability of impingement of discharge of safety relief devices upon containers.

(b) Containers having a maximum water capacity of 2 1/2 pounds (nominal 1 pound LP-Gas capacity) are permitted to be used inside of buildings as part of approved self-contained hand torch assemblies or similar appliances.

(c) Containers having a maximum water capacity of 12 pounds (nominal 5 pounds LP-Gas capacity) are permitted to be used temporarily inside of buildings for public exhibition or demonstration purposes, including use for classroom demonstrations.

~~(d) (When buildings frequented by the public are open to the public, containers are permitted to be used for repair or minor renovation as follows:~~

~~(i) The maximum water capacity of individual containers shall be 50 pounds (nominal 20 pounds LP-Gas capacity);~~

~~(ii) The number of LP-Gas containers shall not exceed the number of workmen assigned to using the LP-Gas;~~

~~(iii) Containers having a water capacity of greater than 2 1/2 pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings;~~

~~(c) When buildings frequented by the public are not open to the public, containers are permitted to be used for repair or minor renovations, as follows:~~

~~The provisions of (5)(f) of this section shall apply except that containers having a water capacity greater than 2 1/2 pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings.~~

(f)) Containers are permitted to be used in buildings or structures under construction or undergoing major renovation when such buildings or structures are not occupied by the public, as follows:

(i) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(ii) For temporary heating such as curing concrete, drying plaster and similar applications, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-Gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the container. Blower and radiant type heater shall not be directed toward any LP-Gas container within 20 feet.

(iii) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(iv) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers manifolded together for connection to a heater or heaters shall not be greater than 735 pounds (nominal 300 pounds LP-Gas capacity). Such manifolds shall be separated by at least 20 feet.

(v) On floors on which heaters are not connected for use, containers are permitted to be manifolded together for connection to a heater or heaters on another floor, Provided:

(A) The total water capacity of containers connected to any one manifold is not greater than 2,450 pounds (nominal 1,000 pounds LP-Gas capacity) and;

(B) Where more than one manifold having a total water capacity greater than 735 pounds (nominal 300 pounds LP-Gas capacity) are

located in the same unpartitioned area, they shall be separated by at least 50 feet.

(vi) Storage of containers awaiting use shall be in accordance with WAC 296-24-47513.

~~((g))~~ (e) Containers are permitted to be used in industrial occupancies for processing, research, or experimental purposes as follows:

(i) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(ii) Containers connected to a manifold shall have a total water capacity not greater than 735 pounds (nominal 300 pounds LP-Gas capacity) and not more than one such manifold may be located in the same room unless separated at least 20 feet from a similar unit.

(iii) The amount of LP-Gas in containers for research and experimental use shall be limited to the smallest practical quantity.

~~((h))~~ (f) Containers are permitted to be used in industrial occupancies with essentially noncombustible contents where portable equipment for space heating is essential and where a permanent heating installation is not practical, as follows:

(i) Containers and heaters shall comply with and be used in accordance with (5)(f) of this section.

~~((i))~~ (g) Containers are permitted to be used in buildings for temporary emergency heating purposes, if necessary to prevent damage to the buildings or contents, when the permanent heating system is temporarily out of service, as follows:

(i) Containers and heaters shall comply with and be used in accordance with (5)(f) of this section.

(ii) The temporary heating equipment shall not be left unattended.

~~((j))~~ (h) Containers are permitted to be used temporarily in buildings for training purposes related in installation and use of LP-Gas systems, as follows:

(i) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity), but the maximum quantity of LP-Gas that may be placed in each container shall be 20 pounds.

(ii) If more than one such container is located in the same room, the containers shall be separated by at least 20 feet.

~~((k)) Containers shall be removed from the building when the training class has terminated;))~~

(6) Container valves and accessories.

(a) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system.

NOTE: This provision is not to be construed as requiring an automatic changeover device

(b) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements (sleet, snow, or ice) will not affect their operation.

(c) Valves and connections to the containers shall be protected while in transit, in storage, and while being moved into final utilization, as follows:

(i) By setting into the recess of the container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(ii) By ventilated cap or collar, fastened to the container capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction must be such that a blow will not be transmitted to the valve or other connection.

(d) When containers are not connected to the system, the outlet valves shall be kept tightly closed or plugged, even though containers are considered empty.

(e) Containers having a water capacity in excess of 50 pounds (approximately 21 pounds LP-Gas capacity), recharged at the installation, shall be provided with excess flow or backflow check valves to prevent the discharge of container contents in case of failure of the filling or equalizing connection.

(7) Safety devices.

(a) Containers shall be provided with safety devices as required by DOT regulations.

(b) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

TABLE H-30

Regulator delivery pressure	Relief valve start to discharge pressure setting (percent of regulator deliver pressure)	
	Minimum	Maximum
1 p.s.i.g. or less	200	300
Above 1 p.s.i.g. but not over 3 p.s.i.g.	140	200
Above 3 p.s.i.g.	125	200

(c) When a regulator or pressure relief valve is used inside a building for other than purposes specified in WAC 296-24-47505(6)(a)(i) through (vi), the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any building opening which is below such discharge. These provisions do not apply to individual appliance regulators when protection is otherwise provided nor to (5) of this section and WAC 296-24-47505(10)(m). In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.

(8) Reinstallation of containers. Containers shall not be reinstalled unless they are requalified in accordance with DOT regulations.

(a) Permissible product. A product shall not be placed in a container marked with a service pressure less than four-fifths of the maximum vapor pressure of product at 130°F.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-47509 SYSTEMS UTILIZING CONTAINERS OTHER THAN DOT CONTAINERS.** (1) Application. This section applies specifically to systems utilizing storage containers other than those constructed in accordance with DOT specifications. Wac 296-24-47505 of this section applies to this section unless otherwise noted in WAC 296-24-47505.

(2) Design pressure and classification of storage containers. Storage containers shall be designed and classified in accordance with Table H-31.

(3) Container valves and accessories, filler pipes, and discharge pipes.

(a) The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of 125 gallons or more, such terminals shall be located not less than 10 feet from any building (see WAC 296-24-47505(6)(b)), and preferably not less than 5 feet from any driveway, and shall be located in a protective housing built for the purpose.

TABLE H-31

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100°F. (37.8°C.)	Minimum design pressures of container lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68 U-69)	1949 edition of Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code <sup>3</sup>
80 <sup>1</sup>	80 <sup>1</sup>	80 <sup>1</sup>	100 <sup>1</sup>
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
200 <sup>2</sup>	215	200	250

<sup>1</sup>New storage containers of the 80 type have not been authorized since Dec. 31, 1947.

<sup>2</sup>Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designations when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

<sup>3</sup>Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(b) The filling connection shall be fitted with one of the following:

- (i) Combination back-pressure check valve and excess flow valve.
- (ii) One double or two single back-pressure check valves.
- (iii) A positive shutoff valve in conjunction with either:
  - (A) An internal back pressure valve, or
  - (B) An internal excess flow valve.

(c) All openings in a container shall be equipped with approved automatic excess flow valves except in the following: filling connections as provided in (3)(b) of this section; safety relief connections, liquid-level gaging devices as provided in WAC 296-24-47505(7)(d), (19)(c) and (19)(h); pressure gage connections as provided in WAC 296-24-47505(7)(e), as provided in (3)(d), (f) and (g) of this section.

(d) An excess flow valve is not required in the withdrawal service line providing the following are complied with:

- (i) Such systems' total water capacity does not exceed 2,000 U.S. gallons.
- (ii) The discharge from the service outlet is controlled by a suitable manually operated shutoff valve which is:
  - (A) Threaded directly into the service outlet of the container; or
  - (B) Is an integral part of a substantial fitting threaded into or on the service outlet of the container; or
  - (C) Threaded directly into a substantial fitting threaded into or on the service outlet of the container.
- (iii) The shutoff valve is equipped with an attached handwheel or the equivalent.

(iv) The controlling orifice between the contents of the container and the outlet of the shutoff valve does not exceed five-sixteenths inch in diameter for vapor withdrawal systems and one-eighth inch in diameter for liquid withdrawal systems.

(v) An approved pressure-reducing regulator is directly attached to the outlet of the shutoff valve and is rigidly supported, or that an approved pressure-reducing regulator is attached to the outlet of the shutoff valve by means of a suitable flexible connection, provided the regulator is adequately supported and properly protected on or at the tank.

(e) All inlet and outlet connections except safety relief valves, liquid level gaging devices and pressure gages on containers of 2,000 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(f) In lieu of an excess flow valve openings may be fitted with a quick-closing internal valve which, except during operating periods shall remain closed. The internal mechanism for such valves may be provided with a secondary control which shall be equipped with a fusible plug (not over 220°F. melting point) which will cause the internal valve to close automatically in case of fire.

(g) Not more than two plugged openings shall be permitted on a container of 2,000 gallons or less water capacity.

(h) Containers of 125 gallons water capacity or more manufactured after July 1, 1961, shall be provided with an approved device for liquid evacuation, the size of which shall be three-fourths inch national pipe thread minimum. A plugged opening will not satisfy this requirements.

(4) Safety devices.

(a) All safety devices shall comply with the following:

(i) All container safety relief devices shall be located on the containers and shall have direct communication with the vapor space of the container.

(ii) In industrial and gas manufacturing plants, discharge pipe from safety relief valves on pipe lines within a building shall discharge vertically upward and shall be piped to a point outside a building.

(iii) Safety relief device discharge terminals shall be so located as to provide protection against physical damage and such discharge pipes shall be fitted with loose raincaps. Return bends and restrictive pipefittings shall not be permitted.



(iv) If desired, discharge lines from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common discharge header, provided that the cross-sectional area of such header be at least equal to the sum of the cross-sectional area of the individual discharge lines, and that the setting of safety relief valves are the same.

(v) Each storage container of over 2,000 gallons water capacity shall be provided with a suitable pressure gage.

(vi) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

(vii) When a regulator or pressure relief valve is installed inside a building, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any opening into the building which is below such discharge. (These provisions do not apply to individual appliance regulators when protection is otherwise provided. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.)

(b) Safety devices for aboveground containers shall be provided as follows:

(i) Containers of 1,200 gallons water capacity or less which may contain liquid fuel when installed above ground shall have the rate of discharge required by WAC 296-24-47505(10)(b) provided by a spring-loaded relief valve or valves. In addition to the required spring-loaded relief valve(s) suitable fuse plug(s) may be used provided the total discharge area of the fuse plug(s) for each container does not exceed 0.25 square inch.

(ii) The fusible metal of the fuse plugs shall have a yield temperature of 208°F. minimum and 220°F. maximum. Relief valves and fuse plugs shall have direct communication with the vapor space of the container.

(iii) On a container having a water capacity greater than 125 gallons, but not over 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made for draining condensate which may accumulate in the relief valve or its discharge pipe.

(iv) On containers of 125 gallons water capacity or less, the discharge from safety relief devices shall be located not less than 5 feet horizontally away from any opening into the building below the level of such discharge.

(v) On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container, and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made so that any liquid or condensate that may accumulate inside of the safety relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of product escaping from the drain.

(c) On all containers which are installed underground and which contain no liquid fuel until buried and covered, the rate of discharge of the spring-loaded relief valve installed thereon may be reduced to a minimum of 30 percent of the rate of discharge specified in WAC 296-24-47505(10)(b). Containers so protected shall not be uncovered after installation until the liquid fuel has been removed therefrom. Containers which may contain liquid fuel before being installed underground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.

(d) On underground containers of more than 2,000 gallons water capacity, the discharge from safety relief devices shall be piped vertically and directly upward to a point at least 7 feet above the ground.

Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines shall be above the highest probable water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equaling or exceeding the combined discharge areas of the safety relief valves and other vent lines which discharge their content into the manhole housing.

(e) Safety devices for vaporizers shall be provided as follows:

(i) Vaporizers of less than 1 quart total capacity, heated by the ground or the surrounding air, need not be equipped with safety relief valves provided that adequate tests certified by any of the authorities referred to in WAC 296-24-47505(2), demonstrate that the assembly is safe without safety relief valves.

(ii) No vaporizer shall be equipped with fusible plugs.

(iii) In industrial and gas manufacturing plants, safety relief valves on vaporizers within a building shall be piped to a point outside the building and be discharged upward.

(5) Reinstallation of containers. Containers may be reinstalled if they do not show any evidence of harmful external corrosion or other damage. Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition (see (7)(f) of this section.) Where containers are reinstalled above ground, the safety devices and gaging devices shall comply with (4) of this section and WAC 296-24-47505(19) respectively for aboveground containers.

(6) Capacity of containers. A storage container shall not exceed 90,000 gallons water capacity.

(7) Installation of storage containers.

(a) Containers installed above ground, except as provided in (7)(g) of this section, shall be provided with substantial masonry or noncombustible structural supports on firm masonry foundation.

(b) Aboveground containers shall be supported as follows:

(i) Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(ii) Containers of 2,000 gallons water capacity or less may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the concrete pad, footing, or the ground does not exceed 24 inches.

(c) Any container may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container to the ground does not exceed 5 feet, provided the container is in an isolated location.

(d) Containers may be partially buried providing the following requirements are met:

(i) The portion of the container below the surface and for a vertical distance not less than 3 inches above the surface of the ground is protected to resist corrosion, and the container is protected against settling and corrosion as required for fully buried containers.

(ii) Spacing requirements shall be as specified for underground tanks in WAC 296-24-47505(6)(b).

(iii) Relief valve capacity shall be as required for aboveground containers.

(iv) Container is located so as not to be subject to vehicular damage, or is adequately protected against such damage.

(v) Filling densities shall be as required for aboveground containers as specified in Table H-27. See WAC 296-24-47505.

(e) Containers buried underground shall be placed so that the top of the container is not less than 6 inches below grade. Where an underground container might be subject to abrasive action or physical damage due to vehicular traffic or other causes, then it shall be:

(i) Placed not less than 2 feet below grade, or

(ii) Otherwise protected against such physical damage.

It will not be necessary to cover the portion of the container to which manhole and other connections are affixed; however, where necessary, protection shall be provided against vehicular damage. When necessary to prevent floating, containers shall be securely anchored or weighted.

(f) Containers shall be given a protective coating before being placed underground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to prevent damage to the coating. Any damage to the coating shall be repaired before backfilling.

(i) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(g) Containers with foundations attached (portable or semiportable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed, and used in accordance with these rules subject to the following provisions:



(i) If they are to be used at a given general location for a temporary period not to exceed 6 months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(ii) They shall not be located with the outside bottom of the container shell more than 5 feet above the surface of the ground unless fire-resisting supports are provided.

(iii) The bottom of the skids shall not be less than 2 inches or more than 12 inches below the outside bottom of the container shell.

(iv) Flanges, ~~((nozzels))~~ nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(v) When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize the possibility of breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(vi) Skids, or lugs for attachment of skids, shall be secured to the container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(h) Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

(i) For aboveground containers, secure anchorage or adequate pier height shall be provided against possible container flotation wherever sufficiently high floodwater might occur.

(j) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers, and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100°F. The use of nonmetallic hose is prohibited for permanently interconnecting such containers.

(k) Container assemblies listed for interchangeable installation above ground or under ground shall conform to the requirements for aboveground installations with respect to safety relief capacity and filling density. For installation above ground all other requirements for aboveground installations shall apply. For installation under ground all other requirements for underground installations shall apply.

#### (8) Protection of container accessories.

(a) Valves, regulating, gaging, and other container accessory equipment shall be protected against tampering and physical damage. Such accessories shall also be so protected during the transit of containers intended for installation underground.

(b) On underground or combination aboveground-underground containers, the service valve handwheel, the terminal for connecting the hose, and the opening through which there can be a flow from safety relief valves shall be at least 4 inches above the container and this opening shall be located in the dome or housing. Underground systems shall be so installed that all the above openings, including the regulator vent, are located above the normal maximum water table.

(c) All connections to the underground containers shall be located within a substantial dome, housing, or manhole and with access thereto protected by a substantial cover.

(9) Drips for condensed gas. Where vaporized gas on the low-pressure side of the system may condense to a liquid at normal operating temperatures and pressures, suitable means shall be provided for re-vaporization of the condensate.

(10) Damage From vehicles. When damage to LP-Gas systems from vehicular traffic is a possibility, precautions against such damage shall be taken.

(11) Pits and drains. Every effort should be made to avoid the use of pits, except pits fitted with automatic flammable vapor detecting devices. No drains or blowoff lines shall be directed into or in proximity to sewer systems used for other purposes.

(12) General provisions applicable to systems in industrial plants (of 2,000 gallons water capacity and more) and to bulk filling plants.

(a) When standard watch service is provided, it shall be extended to the LP-Gas installation and personnel properly trained.

(b) If loading and unloading are normally done during other than daylight hours, adequate lights shall be provided to illuminate storage containers, control valves, and other equipment.

(c) Suitable roadways or means of access for extinguishing equipment such as wheeled extinguishers or fire department apparatus shall be provided.

(d) To minimize trespassing or tampering, the area which includes container appurtenances, pumping equipment, loading and unloading

facilities, and cylinder-filling facilities shall be enclosed with at least a 6-foot-high industrial type fence unless otherwise adequately protected. There shall be at least two means of emergency access.

#### (13) Container-charging plants.

(a) The container-charging room shall be located not less than:

(i) Ten feet from bulk storage containers.

~~((ii)) Twenty-five feet from line of adjoining property which may be built upon:))~~

(b) Tank truck filling station outlets shall be located not less than:

~~(i) ((Twenty-five feet from line of adjoining property which may be built upon:~~

~~(ii)) Ten feet from pumps and compressors if housed in one or more separate buildings.~~

(c) The pumps or compressors may be located in the container-charging room or building, in a separate building, or outside of buildings. When housed in separate building, such building (a small non-combustible weather cover is not to be construed as a building) shall be located not less than:

(i) Ten feet from bulk storage tanks.

~~(ii) ((Twenty-five feet from line of adjoining property which may be built upon:~~

~~(iii)) Twenty-five feet from sources of ignition.~~

(d) When a part of the container-charging building is to be used for a boiler room or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire-resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls, and ceiling or roof in a manner to effect a permanent gas-tight joint.

(e) Electrical equipment and installations shall conform with WAC 296-24-47505 (17) and (18).

#### (14) Fire protection.

(a) Each bulk plant shall be provided with at least one approved portable fire extinguisher having a minimum rating of 12-B, C.

(b) In industrial installations involving containers of 150,000 gallons aggregate water capacity or more, provision shall be made for an adequate supply of water at the container site for fire protection in the container area, unless other adequate means for fire control are provided. Water hydrants shall be readily accessible and so spaced as to provide water protection for all containers. Sufficient lengths of firehose shall be provided at each hydrant location on a hose cart, or other means provided to facilitate easy movement of the hose in the container area. It is desirable to equip the outlet of each hose line with a combination fog nozzle. A shelter shall be provided to protect the hose and its conveyor from the weather.

~~(15) ((Painting. Aboveground containers shall be kept properly painted:~~

~~((16)) Lighting. Electrical equipment and installations shall conform to WAC 296-24-47505(17) and (18).~~

~~((17)) (16) Vaporizers for internal combustion engines. The provisions of WAC 296-24-47511(8) shall apply.~~

~~((18)) (17) Gas regulating and mixing equipment for internal combustion engines. The provisions of WAC 296-24-47511(9) shall apply.~~

### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

#### WAC 296-24-47511 LIQUEFIED PETROLEUM GAS AS A MOTOR FUEL. (1) Application.

(a) This section applies to internal combustion engines, fuel containers, and pertinent equipment for the use of liquefied petroleum gases as a motor fuel on easily movable, readily portable units including self-propelled vehicles.

(b) Fuel containers and pertinent equipment for internal combustion engines using liquefied petroleum gas where installation is of the stationary type are covered by WAC 296-24-47509. This section does not apply to containers for transportation of liquefied petroleum gases nor to marine fuel use. All requirements of WAC 296-24-47505 apply to this section, unless otherwise noted in WAC 296-24-47505.

#### (2) General.

(a) Fuel may be used from the cargo tank of a truck while in transit, but not from cargo tanks on trailers or semitrailers. The use of fuel from the cargo tanks to operate stationary engines is permitted providing wheels are securely blocked.

(b) Passenger-carrying vehicles shall not be fueled while passengers are on board.

- (c) Industrial trucks (including lift trucks) equipped with permanently mounted fuel containers shall be charged outdoors. Charging equipment shall comply with the provisions of WAC 296-24-47517.
- (d) LP-Gas fueled industrial trucks shall comply with the Standard for Type Designations, Areas of Use, Maintenance and Operation of Powered Industrial Trucks, NFPA 505-1969.
- (e) Engines on vehicles shall be shut down while fueling if the fueling operation involves venting to the atmosphere.
- (3) Design pressure and classification of fuel containers.
  - (a) Except as covered in (3)(b) and (c) of this section, containers shall be in accordance with Table H-32.
  - (b) Fuel containers for use in industrial trucks (including lift trucks) shall be either DOT containers authorized for LP-Gas service having a minimum service pressure of 240 p.s.i.g or minimum Container Type 250. Under 1950 and later ASME codes, this means a 312.5-p.s.i.g design pressure container.

TABLE H-32

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100°F. (37.8 C.)	Minimum design pressure of container lb. per sq. in. gage	
		1949 and ((earlier) earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code <sup>2</sup>
200 <sup>1</sup>	215	200	250

<sup>1</sup>Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U-200 and U-201) (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME code.

<sup>2</sup>Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

- (c) Containers manufactured and maintained under DOT specifications and regulations may be used as fuel containers. When so used they shall conform to all requirements of this section.
- (d) All container inlets and outlets except safety relief valves and gaging devices shall be labeled to designate whether they communicate with vapor or liquid space. (Labels may be on valves.)
- (4) Installation of fuel containers.
  - (a) Containers shall be located in a place and in a manner to minimize the possibility of damage to the container. Containers located in the rear of trucks and buses, when protected by substantial bumpers, will be considered in conformance with this requirement. Fuel containers on passenger-carrying vehicles shall be installed as far from the engine as is practicable, and the passenger space and any space containing radio equipment shall be sealed from the container space to prevent direct seepage of gas to these spaces. The container compartment shall be vented to the outside. In case the fuel container is mounted near the engine or the exhaust system, the container shall be shielded against direct heat radiation.
  - (b) Containers shall be installed with as much clearance as practicable but never less than the minimum road clearance of the vehicle under maximum spring deflection. This minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.
  - (c) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping, or rotating, and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel using a safety factor of not less than four based on the ultimate strength of the material to be used. Field welding, when necessary, shall be made only on saddle plates, lugs or brackets, originally attached to the container by the tank manufacturer.

- (d) Fuel containers on buses shall be permanently installed.
- (e) Containers from which vapor only is to be withdrawn shall be installed and equipped with suitable connections to minimize the accidental withdrawal of liquid.
- (5) Valves and accessories.
  - (a) Container valves and accessories shall have a rated working pressure of at least 250 p.s.i.g., and shall be of a type suitable for liquefied petroleum gas service.
  - (b) The filling connection shall be fitted with an approved double back-pressure check valve, or a positive shutoff in conjunction with an internal back-pressure check valve. On a removable container the filler valve may be a hand operated shutoff valve with an internal excess flow valve. Main shutoff valves on the container on liquid and vapor must be readily accessible.
  - (c) With the exceptions of (5)(d)(iii) of this section, filling connections equipped with approved automatic back-pressure check valves, and safety relief valves, all connections to the containers having openings for the flow of gas in excess of a No. 54 drill size shall be equipped with approved automatic excess flow valves to prevent discharge of content in case connections are broken.
  - (d) Liquid-level gaging devices:
    - (i) Variable liquid-level gages which require the venting of fuel to the atmosphere shall not be used on fuel containers of industrial trucks (including lift trucks).
    - (ii) On portable containers that may be filled in the vertical and/or horizontal position, the fixed liquid-level gage shall indicate maximum permitted filling level for both vertical and horizontal filling with the container oriented to place the safety relief valve in communication with the vapor space.
    - (iii) In the case of containers used solely in farm tractor service and charged at a point at least 50 feet from any important building, the fixed liquid-level gaging device may be so constructed that the outward flow of container content exceeds that passed by a No. 54 drill size opening, but in no case shall the flow exceed that passed by a No. 31 drill-size opening. An excess flow valve is not required. Fittings equipped with such restricted drill size opening and container on which they are used shall be marked to indicate the size of the opening.
    - (iv) All valves and connections on containers shall be adequately protected to prevent damage due to accidental contact with stationary objects or from loose objects thrown up from the road, and all valves shall be safeguarded against damage due to collision, overturning or other accident. For farm tractors where parts of the vehicle provide such protection to valves and fittings, the foregoing requirements shall be considered fulfilled. However, on removable type containers the protection for the fittings shall be permanently attached to the container.
    - (v) (Exchange of removable fuel containers preferable should be done outdoors but may be done indoors). When removable fuel containers are used, means shall be provided in the fuel system to minimize the escape of fuel when the containers are exchanged. This shall be accomplished by one of the following methods:
      - (A) Using an approved automatic quick-closing coupling (a type closing in both directions when uncoupled) in the fuel line, or
      - (B) Closing the valve at the fuel container and allowing the engine to run until the fuel in the line is consumed.
  - (6) Piping—Including pipe, tubing, and fittings.
    - (a) Pipe from fuel container to first-stage regulator shall be not less than schedule 80 wrought iron or steel (black or galvanized), brass or copper; or seamless copper, brass, or steel tubing. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel pipe or tubing shall be adequately protected against exterior corrosion. Copper tubing shall be types K or L or equivalent having a minimum wall thickness of 0.032 inch. Approved flexible connections may be used between container and regulator or between regulator and gas-air mixer within the limits of approval. The use of aluminum pipe or tubing is prohibited. In the case of removable containers an approved flexible connection shall be used between the container and the fuel line.
      - (b) All piping shall be installed, braced, and supported so as to reduce to a minimum the possibility of vibration strains or wear.
  - (7) Safety devices.
    - (a) Spring-loaded internal type safety relief valves shall be used on all motor fuel containers.
    - (b) The discharge outlet from safety relief valves shall be located on the outside of enclosed spaces and as far as practicable from possible sources of ignition, and vented upward within 45 degrees of the vertical in such a manner as to prevent impingement of escaping gas upon

containers, or parts of vehicles, or on vehicles in adjacent lines of traffic. A rain cap or other protector shall be used to keep water and dirt from collecting in the valve.

(c) When a discharge line from the container safety relief valve is used, the line shall be metallic, other than aluminum, and shall be sized, located, and maintained so as not to restrict the required flow of gas from the safety relief valve. Such discharge line shall be able to withstand the pressure resulting from the discharge of vapor when the safety relief valve is in the full open position. When flexibility is necessary, flexible metal hose or tubing shall be used.

(d) Portable containers equipped for volumetric filling may be filled in either the vertical or horizontal position only when oriented to place the safety relief valve in communication with the vapor space.

(e) WAC 296-24-47505(10)(1) for hydrostatic relief valves shall apply.

(8) Vaporizers.

(a) Vaporizers and any part thereof and other devices that may be subjected to container pressure shall have a design pressure of at least 250 p.s.i.g.

(b) Each vaporizer shall have a valve or suitable plug which will permit substantially complete draining of the vaporizer. It shall be located at or near the lowest portion of the section occupied by the water or other heating medium.

(c) Vaporizers shall be securely fastened so as to minimize the possibility of becoming loosened.

(d) Each vaporizer shall be permanently marked at a visible point as follows:

(i) With the design pressure of the fuel-containing portion in p.s.i.g.

(ii) With the water capacity of the fuel-containing portion of the vaporizer in pounds.

(e) Devices to supply heat directly to a fuel container shall be equipped with an automatic device to cut off the supply of heat before the pressure inside the fuel container reaches 80 percent of the start to discharge pressure setting of the safety relief device on the fuel container.

(f) Engine exhaust gases may be used as a direct source of heat supply for the vaporization of fuel if the materials of construction of those parts of the vaporizer in contact with exhaust gases are resistant to the corrosive action of exhaust gases and the vaporizer system is designed to prevent excessive pressures.

(g) Vaporizers shall not be equipped with fusible plugs.

(9) Gas regulating and mixing equipment.

(a) Approved automatic pressure reducing equipment shall be installed in a secure manner between the fuel supply container and gas-air mixer for the purpose of reducing the pressure of the fuel delivered to the gas-air mixer.

(b) An approved automatic shutoff valve shall be provided in the fuel system at some point ahead of the inlet of the gas-air mixer, designed to prevent flow of fuel to the mixer when the ignition is off and the engine is not running. In the case of industrial trucks and engines operating in buildings other than those used exclusively to house engines, the automatic shutoff valve shall be designed to operate if the engine should stop. Atmospheric type regulators (zero governors) shall be considered adequate as an automatic shutoff valve only in cases of outdoor operation such as farm tractors, construction equipment, irrigation pump engines, and other outdoor stationary engine installations.

(c) The source of the air for combustion shall be completely isolated from the passenger compartment, ventilating system, or air-conditioning system.

(10) Capacity of containers. No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity. No single fuel container on other vehicles normally operating on the highway shall exceed 300 gallons water capacity except as provided in (2)(a) of this section.

(11) Stationary engines in buildings. Stationary engines and gas turbines installed in buildings, including portable engines used instead of or to supplement stationary engines, shall comply with the Standard for the Institution and Use of Stationary Combustion Engines and Gas Turbines, NFPA 37-1970, and the appropriate provisions of WAC 296-24-47505 through WAC 296-24-47509.

(12) Portable engines in buildings.

(a) Portable engines may be used in buildings only for emergency use, except as provided by (11) of this section.

(b) Exhaust gases shall be discharged to outside the building or to an area where they will not constitute a hazard.

(c) Provision shall be made to supply sufficient air for combustion and cooling.

(d) An approved automatic shutoff valve shall be provided in the fuel system ahead of the engine, designed to prevent flow of fuel to the engine when the ignition is off or if the engine should stop.

(e) The capacity of LP-Gas containers used with such engines shall comply with the applicable occupancy provision of WAC 296-24-47507(5).

(13) Industrial trucks inside buildings.

(a) LP-Gas-fueled industrial trucks are permitted to be used in buildings and structures.

(b) No more than two LP-Gas containers shall be used on an industrial truck for motor fuel purposes.

~~(c) (LP-Gas-fueled industrial trucks are permitted to be used in buildings frequented by the public, when occupied by the public. The total water capacity of containers on each industrial truck shall not exceed 105 pounds (nominal 45 pounds LP-Gas):~~

~~(d) Trucks shall not be left unattended in areas occupied by the public.~~

~~(e)) Industrial trucks shall not be parked and left unattended in areas of possible excessive heat or sources of ignition.~~

(14) Garaging LP-Gas-fueled vehicles.

(a) LP-Gas-fueled vehicles may be stored or serviced inside garages provided there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity specified in WAC 296-24-47505(12)(a).

(b) LP-Gas-fueled vehicles being repaired in garages shall have the container shutoff valve closed except when fuel is required for engine operation.

(c) Such vehicles shall not be parked near sources of heat, open flames, or similar sources of ignition or near open pits unless such pits are adequately ventilated.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-47513 STORAGE OF CONTAINERS AWAITING USE OR RESALE. (1) Application. This paragraph shall apply to the storage of portable containers not in excess of 1,000 pounds water capacity, filled or partially filled, at user location but not connected for use, or in storage for resale by dealers or resellers. This section shall not apply to containers stored at charging plants or at plants devoted primarily to the storage and distribution of LP-Gas or other petroleum products.

(2) General.

(a) Containers in storage shall be located so as to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons.

(b) Containers when stored inside shall not be located near exits, stairways, or in areas normally used or intended for the safe exit of people.

(c) Container valves shall be protected while in storage as follows:

(i) By setting into recess of container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(ii) By ventilated cap or collar, fastened to container capable of withstanding blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction must be such that a blow will not be transmitted to a valve or other connection.

(d) The outlet valves of containers in storage shall be closed.

(e) Empty containers which have been in LP-Gas service should preferably be stored in the open. When stored inside, they shall be considered as full containers for the purpose of determining the maximum quantity of LP-Gas permitted by this section.

~~(3) (Storage Within Buildings Frequented by the Public. (a) DOT specification containers having a maximum individual water capacity of 2 1/2 pounds, used with completely self-contained hand torches and similar applications, are permitted to be stored or displayed in a building frequented by the public. The display of such containers shall be limited to a total of 24 units of each brand and size. The total quantity on display and in storage shall not exceed 200 pounds LP-Gas.~~

~~(b) Storage as provided in (5) of this section shall not be permitted within or attached to such a building.~~

~~(4)) Storage within buildings not frequented by the public (such as industrial buildings).~~

(a) The quantity of LP-Gas stored shall not exceed 300 pounds (approximately 2.550 cubic feet in vapor form) except as provided in (5) of this section.

(b) Containers carried as a part of service equipment on highway mobile vehicles are not to be considered in the total storage capacity in (4)(a) of this section provided such vehicles are stored in private garages, and are limited to one container per vehicle with an LP-Gas

capacity of not more than 100 pounds. All container valves shall be closed.

~~((5))~~ (4) Storage within special buildings or rooms.

(a) The quantity of LP-Gas stored in special buildings or rooms shall not exceed 10,000 pounds.

(b) The walls, floors, and ceilings of container storage rooms that are within or adjacent to other parts of the building shall be constructed of material having at least a 2-hour fire resistance rating.

(c) A portion of the exterior walls or roof having an area not less than 10 percent of that of the combined area of the enclosing walls and roof shall be of explosion relieving construction.

(d) Each opening from such storage rooms to other parts of the building shall be protected by a 1 1/2 hour (B) fire door listed by Underwriters Laboratories Inc.

(e) Such rooms shall have no open flames for heating or lighting.

(f) Such rooms shall be adequately ventilated both top and bottom to the outside only. The openings from such vents shall be at least 5 feet away from any other opening into any building.

(g) The floors of such rooms shall not be below ground level. Any space below the floor shall be of solid fill or properly ventilated to the open air.

(h) Such storage rooms shall not be located adjoining the line of property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.

(i) Fixed electrical equipment shall be installed in accordance with WAC 296-24-47505(18).

~~((6))~~ (5) Storage outside of buildings.

(a) Storage outside of buildings, for containers awaiting use or resale, shall be located in accordance with Table H-33 with respect to: (i) the nearest important building or group of buildings; ~~((ii) the line of adjoining property which may be built upon; (iii))~~ busy thoroughfares ~~((; (vi) the line of adjoining property occupied by schools, churches, hospitals, athletic fields, or other points of public gathering))~~.

TABLE H-33

Quantity of LP-Gas Stored:	Distance
500 pounds or less _____	0
501 to 2,500 pounds _____	0*
2,501 to 6,000 pounds _____	10 feet
6,001 to 10,000 pounds _____	20 feet
Over 10,000 pounds _____	25 feet

\*Container or containers shall be at least 10 feet from any building on adjoining property, any sidewalk, or any of the exposures described in (6)(a)(iii) or (iv) of this section.

(b) Containers shall be in a suitable enclosure or otherwise protected against tampering.

~~((7))~~ (6) Fire protection. Storage locations other than supply depots separated and located apart from dealer, reseller, or user establishments shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8-B, C.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-51009 BASIC RULES. This section applies to all sections of WAC 296-24-510 in the section number unless otherwise noted.

(1) Approval of equipment and systems. Each appurtenance shall be approved in accordance with (1)(a), (b), (c), and (d) of this section.

(a) It was installed before February 8, 1973 and was approved and tested, and installed in accordance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or

(b) It is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory, such as, but not limited to, Underwriter's Laboratories Inc. and Factory Mutual Research Corporation; or

(c) It is a type which no nationally recognized testing laboratory does, or will undertake to, accept, certify, list, label, or determine to be safe; and such equipment is inspected or tested by any Federal, State,

municipal, or other local authority responsible for enforcing occupational safety provisions of a Federal, State, municipal or other local law, code, or regulation pertaining to the storage, handling, transport, and use of anhydrous ammonia, and found to be in compliance with either the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, or the Fertilizer Institute Standards for the Storage and Handling of Agricultural Anhydrous Ammonia, M-1, in effect at the time of installation; or

(d) It is a custom-designed and custom-built unit, which no nationally recognized testing laboratory, or Federal, State, municipal or local authority responsible for the enforcement of a Federal, State, municipal, or local law, code or regulation pertaining to the storage, transportation and use of anhydrous ammonia is willing to undertake to accept, certify, list, label or determine to be safe, and the employer has on file a document attesting to its safe condition following the conduct of appropriate tests. The document shall be signed by a registered professional engineer or other person having special training or experience sufficient to permit him to form an opinion as to safety of the unit involved. The document shall set forth the test bases, test data and results, and also the qualifications of the certifying person.

(e) For the purposes of this section the word "listed" means that equipment is of a kind mentioned in a list which is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment, and states such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner. "Labeled" means there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment, and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner. "Certified" means it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner, or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and it bears a label, tag, or other record of certification.

(2) Requirements for construction, original test and requalification of not-refrigerated containers.

(a) Containers used with systems covered in subsections WAC 296-24-51011 and WAC 296-24-51017 through WAC 296-24-51021 of this section shall be constructed and tested in accordance with the Code except that construction under Table UW-12 at a basic joint efficiency of under 80 percent is not authorized.

(i) Containers built according to the Code do not have to comply with Paragraphs UG-125 to UG-128, inclusive, and Paragraphs UG-132 and UG-133 of the Code.

(b) Containers exceeding 36 inches in diameter or 250 gallons water capacity shall be constructed to comply with one or more of the following:

(i) Containers shall be stress relieved after fabrication in accordance with the Code, or

(ii) Cold-formed heads, when used, shall be stress relieved or,

(iii) Hot-formed heads shall be used.

(c) Welding to the shell, head, or any other part of the container subject to internal pressure shall be done in compliance with WAC 296-24-51005(5). Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer.

(d) Containers used with systems covered by WAC 296-24-51009(3)(b)(iv) shall be constructed and tested in accordance with the DOT specifications.

(e) The provisions of (2)(a) of this section shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, 1962, 1965 and 1968 editions of the Unfired Pressure Vessel Code of the ASME or any revisions thereof in effect at the time of fabrication.

(3) Markings on nonrefrigerated containers and systems other than DOT containers.

(a) System nameplates, when required, shall be permanently attached to the system so as to be readily accessible for inspection and shall include markings as prescribed in (3)(b) of this section.

(b) Each container or system covered in WAC 296-24-51011, WAC 296-24-51017, WAC 296-24-51019 and WAC 296-24-51021 shall be marked as specified in the following:

(i) With a marking identifying compliance with the rules of the Code under which the container is constructed.

- (ii) With a notation on the container and system nameplate when the system is designed for underground installation.
- (iii) With the name and address of the supplier of the container or the trade name of the container and with the date of fabrication.
- (iv) With the water capacity of the container in pounds at 60F or gallons, U.S. Standard.
- (v) With the design pressure in pounds per square inch gage.
- (vi) With the wall thickness of the shell and heads.
- (vii) With marking indicating the maximum level to which the container may be filled with liquid anhydrous ammonia at temperatures between 20°F. and 100°F. except on containers provided with fixed maximum level indicators, such as fixed length dip tubes, or containers that are filled by weight. Markings shall be in increments of not more than 20°F.
- (viii) With the outside surface area in square feet.
- (ix) With minimum temperature in Fahrenheit for which the container is designed.

(x) Marking specified on container shall be on the container itself or on a nameplate permanently affixed thereto.

(c) All main operating valves on permanently installed containers having a capacity of over three thousand water gallons shall be identified to show whether the valve is in liquid or vapor service. The recommended method of identification may be legend or color code as specified in (i) and (ii) as follows:

(i) Legend: The legend LIQUID (or LIQUID VALVE), VAPOR (or VAPOR VALVE), as appropriate, shall be placed on or within twelve inches of the valve by means of a stencil tag, or decal.

(ii) Color Code: Liquid valves shall be painted orange and vapor valves shall be painted yellow. The legend ORANGE-LIQUID, YELLOW-VAPOR shall be displayed in one or more conspicuous places at each permanent storage location. The legend shall have letters at least two inches high and shall be placed against a contrasting background. This is in accordance with American National Standard A13.1 "Schemes for Identification of Piping Systems"—1956, Page 5.

(4) Marking refrigerated containers. (See WAC 296-24-51013(3). Marking refrigerated containers).

(5) Location of containers.

(a) Consideration shall be given to the physiological effects of ammonia as well as to adjacent fire hazards in selecting the location for a storage container. Containers shall be located outside of buildings or in buildings or sections thereof especially approved for this purpose.

(b) Containers shall be located at least 50 feet from a dug well or other sources of potable water supply, unless the container is a part of a water treatment installation.

(c) ~~(The location of permanent storage containers shall be outside densely populated areas.~~

(d) Container locations shall comply with the following table:

Nominal Capacity of Container	Minimum Distances (feet) from Container to:		
	Line of Adjoining Property Which may be Built upon, Highways & Mainline of Railroad	Place of Public Assembly	Institution Occupancy
Over 500 to 2,000	25	150	250
Over 2,000 to 30,000	50	300	500
Over 30,000 to 100,000	50	450	750
Over 100,000	50	600	1,000

(e)) Storage areas shall be kept free of readily ignitable materials such as waste, weeds and long dry grass.

(6) Container appurtenances.

(a) All appurtenances shall be designed for not less than the maximum working pressure of that portion of the system on which they are installed. All appurtenances shall be fabricated from materials proved suitable for anhydrous ammonia service.

(b) All connections to containers except safety relief devices, gaging devices, or those fitted with a No. 54 drill size orifice shall have shut-off valves located as close to the container as practicable.

(c) Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections and line including valves and fittings being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(d) Liquid level gaging devices that require bleeding of the product to the atmosphere and which are so constructed that outward flow will not exceed that passed by a No. 54 drill size opening need not be equipped with excess flow valves.

(e) Openings from container or through fittings attached directly on container to which pressure gage connections are made need not be equipped with excess flow valves if such openings are not larger than No. 54 drill size.

(f) Excess flow and back pressure check valves where required by these standards shall be located inside of the container or at a point outside as close as practicable to where the line enters the container. In the latter case, installation shall be made in such manner that any undue stress beyond the excess flow or back pressure check valve will not cause breakage between the container and the valve.

(g) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

(h) Shut-off valves provided with an excess flow valve shall be designed for proper installation in a container connection so that the excess flow valve will close should the shutoff valve break.

(i) All excess flow valves shall be plainly and permanently marked with the name or trade-mark of the manufacturer, the catalog number, and the rated capacity.

(7) Piping, tubing and fittings.

(a) All piping, tubing and fittings shall be made of material suitable for anhydrous ammonia service.

(b) All piping, tubing and fittings shall be designed for a pressure not less than the maximum pressure to which they may be subjected in service.

(c) All piping shall be well supported and provision shall be made for expansion and contraction. All refrigeration system piping shall conform to the Refrigeration Piping Code (ANSI B31.5 1966 addenda B31.1a-1968), a section of the American Standard Code for Pressure Piping, as it applies to ammonia.

(d) Piping used on non-refrigerated systems shall be at least ASTM A-53-1969 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal. Such pipe shall be at least Schedule 40 when joints are welded, or welded and flanged. Such pipe shall be at least Schedule 80 when joints are threaded. Brass, copper, or galvanized steel pipe or tubing shall not be used.

(e) All metal flexible connections for permanent installations shall have a minimum working pressure of 250 psig (safety factor of 4). For temporary installations, hose meeting the requirement of WAC 296-24-51009(8) may be used.

(f) Cast iron fittings shall not be used but this shall not prohibit the use of fittings made specially for ammonia service of malleable or nodular iron such as Specification ASTM A47 or ASTM A395.

(g) Provisions shall be made for expansion, contraction, jarring, vibration, and for settling.

(h) Adequate provisions shall be made to protect all exposed piping from physical damage that might result from moving machinery, the presence of automobiles or trucks, or any other undue strain that may be placed upon the piping.

(i) Joint compounds shall be resistant to ammonia.

(j) After assembly, all piping and tubing shall be tested and proved to be free from leaks at a pressure not less than the normal operating pressure of the system.

(8) Hose specification.

(a) Hose used in ammonia service and subject to container pressure shall conform to the joint Rubber Manufacturers Association and the Fertilizer Institute "Hose Specifications for Anhydrous Ammonia" (See Appendix B).

(b) Hose subject to container pressure shall be designed for a minimum working pressure of 350 psig and a minimum burst pressure of 1750 psig. Hose assemblies, when made up, shall be capable of withstanding a test pressure of 500 psig.

(c) Hose and hose connections located on the low pressure side of flow control or pressure reducing valves on devices discharging to atmospheric pressure shall be designed for the maximum low side working pressure. All connections shall be designed, constructed, and installed so that there will be no leakage when connected.

(d) Where liquid transfer hose is not drained of liquid upon completion of transfer operations, such hose shall be equipped with an approved shut-off valve at the discharge end. Provision shall be made to prevent excessive hydrostatic pressure in the hose. (See WAC 296-24-51009(9)(j).)

(e) On all hose one-half inch O.D. and larger, used for the transfer of anhydrous ammonia liquid or vapor, there shall be etched, cast, or impressed at five-foot intervals the following information:

"Anhydrous Ammonia"  
xxx psig (Maximum working pressure)  
Manufacturer's Name or Trademark  
Year of Manufacture

(9) Safety relief devices.

(a) Every container used in systems covered by WAC 296-24-51011, WAC 296-24-51017, WAC 296-24-51019 and WAC 296-24-51021 shall be provided with one or more safety relief valves of the spring-loaded or equivalent type. The discharge from safety relief valves shall be vented away from the container, upward and unobstructed to the atmosphere. All safety relief valve discharge openings shall have suitable raincaps that will allow free discharge of the vapor and prevent the entrance of water. Provision shall be made for draining condensate which may accumulate. The rate of the discharge shall be in accordance with the provisions of Appendix A.

(b) Container safety relief valves shall be set to start-to-discharge as follows, with relations to the design pressure of the container.

Containers	Minimum	Maximum*
ASME U-68, U-69	110%	125%
ASME U-200, U-201	95%	100%
ASME 1952, 1956, 1959, 1962, 1965, 1968 or 1971	95%	100%
API-ASME	95%	100%
U.S. Coast Guard		
((f)) (As required by USCG regulations((f)) )		
DOT		
((f)) (As required by DOT regulations((f)) )		

\*NOTE: A relief valve manufacturer's tolerance of plus 10% is permitted.

(c) Safety relief devices used in systems covered by WAC 296-24-51011, WAC 296-24-51017, WAC 296-24-51019 and WAC 296-24-51021 shall be constructed to discharge at not less than the rates required in subsection (9)(a) before the pressure is in excess of 120% (not including the 10% tolerance referred to in subsection (9)(b) of the maximum permitted start-to-discharge pressure setting of the device.

(d) Safety relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valves shall be provided with means for sealing the adjustment.

(e) Shut-off valves shall not be installed between the safety relief valves and the containers or systems described in WAC 296-24-51011, WAC 296-24-51017, WAC 296-24-51019 and WAC 296-24-51021, except that a shut-off valve may be used where the arrangement of this valve is such as always to afford required capacity flow through the relief valves.

NOTE: The above exception is made to cover such cases as a three-way valve installed under two safety relief valves, each of which has the required rate of discharge and is so installed as to allow either of the safety relief valves to be closed off, but does not allow both safety valves to be closed off at the same time. Another exception to this may be where two separate relief valves are installed with individual shut-off valves. In this case, the two shut-off valve stems shall be mechanically interconnected in a manner which will allow full required flow of one safety relief valve at all times. Still another exception is a safety relief valve manifold which allows one valve of two, three, four or more to be closed off and the remaining valve or valves will provide not less than the rate of discharge shown on the manifold nameplate.

(f) Safety relief valves shall have direct communication with the vapor space of the container.

(g) Each safety relief valve used with systems described in WAC 296-24-51011, WAC 296-24-51017, WAC 296-24-51019 and WAC 296-24-51021 shall be plainly and permanently marked as follows:

- (i) With the letters "AA" or the symbol "NH3".
- (ii) The pressure in pounds per square inch gage (psig) at which the valve is set to start-to-discharge.
- (iii) The rate of discharge of the valve in cubic feet per minute of air at 60F and atmospheric pressure (14.7 psia).
- (iv) The manufacturer's name and catalog number.

For example, a safety relief valve marked AA-250-4200 (air) would mean that this valve is suitable for use on an anhydrous ammonia container; that it is set to start-to-discharge at 250 psig; and that its rate of discharge (see WAC 296-24-51009(8)(a) to (c)) is 4200 cubic feet per minute of air.

(h) The flow capacity of the safety relief valve shall not be restricted by any connection to it on either the upstream or downstream side.

(i) The manufacturer or supplier of a safety relief valve manifold shall publish complete data showing the flow rating through the combined assembly of the manifold with safety relief valves installed. The manifold flow rating shall be determined by testing the manifold with all but one valve discharging. If one or more openings have restrictions not present in the remaining openings, the restricted opening or openings or those having the lowest flow shall be used to establish the flow rate marked on the manifold nameplate. The marking shall be similar to that required in subsection (9)(g) for individual valves.

(j) A hydrostatic relief valve shall be installed between each pair of valves in the liquid ammonia piping or hose where liquid may be trapped so as to relieve into the atmosphere at a safe location.

(k) Discharge from safety relief devices shall not terminate in or beneath any building.

(10) Safety. See CGA Pamphlet G-2, TFI Operational Safety Manual M-2 and MCA Safety Data Sheet SD-8 (See Appendix C for availability).

(a) Personnel required to handle ammonia shall be trained in safe operating practices and the proper action to take in the event of emergencies. Personnel shall be instructed to use the equipment listed in subsection (10)(c) in the event of an emergency. [Rev. 1-22-76]

(b) If a leak occurs in an ammonia system, the personnel trained for and designated to act in such emergencies shall:

(i) See that persons not required to deal with an emergency are evacuated from the contaminated area.

(ii) Put on a suitable gas mask.

(iii) Wear gauntlet type plastic or rubber gloves and wear plastic or rubber suits in heavily contaminated atmospheres.

(iv) Shut off the appropriate valves.

(c) All storage systems shall have on hand, as a minimum, the following equipment for emergency and rescue purposes:

\* (i) One full face gas mask with anhydrous ammonia refill canisters.

\*\* (ii) One pair of protective gloves.

\*\* (iii) One pair of protective boots.

\*\* (iv) One protective slicker and/or protective pants and jacket.

(v) Easily accessible shower and/or at least 50 gallons of clean water in an open top container.

(iv) Tight fitting vented goggles or one full face shield.

\*An ammonia canister is effective for short periods of time in light concentrations of ammonia vapor, generally 15 minutes in concentrations of 3% and will not protect breathing in heavier concentrations. If ammonia vapors are detected when mask is applied the concentration is too high for safety. The life of a canister in service is controlled by the percentage of vapors to which it is exposed. Canisters must not be opened until ready for use and should be discarded after use. Unopened canisters may be guaranteed for as long as three years. All should be dated when received because of this limited life. In addition to this protection, an independently supplied air mask of the type used by fire departments may be used for severe emergencies.

\*\*Gloves, boots, slickers, jackets and pants shall be made of rubber or other material impervious to ammonia.

(d) Where several persons are usually present, additional safety equipment may be desirable.

(e) Each tank motor vehicle transporting anhydrous ammonia, except farm applicator vehicles, shall carry a container of at least five gallons of water and shall be equipped with a full face gas mask, a pair of tight-fitting goggles or one full face shield. The driver shall be instructed in their use and the proper action to take to provide for his safety.

(f) If a leak occurs in transportation equipment and it is not practical to stop the leak, the driver should move the vehicle to an isolated location away from populated communities or heavily traveled highways.

(g) If liquid ammonia contacts the skin or eyes, the affected area should be promptly and thoroughly flushed with water. Do not use neutralizing solutions or ointments on affected areas. A physician shall treat all cases of eye exposure to liquid ammonia.

(11) Filling densities. (See WAC 296-24-51005(9)).



(a) The filling densities for nonrefrigerated containers shall not exceed the following:

	Aboveground	Underground
(i) Uninsulated	56%*	58%
(ii) Insulated	57%	
(iii) DOT containers shall be filled in accordance with DOT regulations.		

\*This corresponds to 82% by volume at -28F, 85% by volume at 5F, 87.5% by volume at 30F, and 90.6% by volume at 60F.

(b) The filling density for refrigerated storage tanks temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety relief valve.

(c) If containers are to be filled according to liquid level by any gaging method other than a fixed length dip tube gage, each container should have a thermometer well so that the internal liquid temperature can be easily determined and the amount of liquid and vapor in the container corrected to a 60°F. basis.

(12) Transfer of liquids.

(a) Anhydrous ammonia shall always be at a temperature suitable for the material of construction and design of the receiving containers. Ordinary steels are not suitable for refrigerated ammonia. See Appendix R of API Standard 620 "Recommended Rules for Design and Construction of Large Welded Low-Pressure Storage Tanks" for materials for low temperature service.

(b) At least one attendant shall supervise the transfer of liquids from the time the connections are first made until they are finally disconnected.

(c) Flammable gases or gases which will react with ammonia (such as air) shall not be used to unload tank cars or transport trucks.

(d) Containers shall be charged or used only upon authorization of the owner.

(e) Containers shall be gaged and charged only in the open atmosphere or in buildings approved for that purpose.

(f) Pumps used for transferring ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Pumps shall be designed for at least 250 psig working pressure.

(ii) Positive displacement pumps shall have installed, off the discharge port, a constant differential relief valve discharging into the suction port of the pump through a line of sufficient size to carry the full capacity of the pump at relief valve setting, which setting and installation shall be according to pump manufacturer's recommendations.

(iii) On the discharge side of the pump, before the relief valve line, there shall be installed a pressure gage graduated from 0 to 400 psig.

(iv) Plant piping shall contain shutoff valves located as close as practical to pump connections.

(g) Compressors used for transferring or refrigerating ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Compressors, except those used for refrigeration, shall be designed for at least 250 psig working pressure. Crank cases of compressors not designed to withstand system pressure shall be protected with a suitable safety relief valve.

(ii) Plant piping shall contain shutoff valves located as close as practical to compressor connections.

(iii) A safety relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve.

(iv) Compressors shall have pressure gages at suction and discharge graduated to at least one and one-half times the maximum pressure that can be developed.

(v) Adequate means, such as drainable liquid trap, may be provided on the compressor suction to minimize the entry of liquid into the compressor.

~~((vi) Where necessary to prevent contamination, an oil separator shall be provided on the discharge side of the compressor:))~~

(h) Loading and unloading systems shall be protected by suitable devices to prevent emptying of the storage container or the container being loaded or unloaded in the event of severance of the hose. Back-flow check valves or properly sized excess flow valves shall be installed where necessary to provide such protection. In the event that such valves are not practical, remotely operated shutoff valves may be installed.

(i) Meters used for the measurement of liquid anhydrous ammonia shall be recommended and labeled for ammonia service by the manufacturer.

(i) Liquid meters shall be designed for a minimum working pressure of 250 psig.

(ii) The metering system shall incorporate devices that will prevent the (~~inadvertent~~) ~~inadvertent~~ measurement of vapor.

(13) Tank car unloading points and operations.

(a) Provisions for unloading tank cars shall conform to the Regulations of the Department of Transportation.

(b) Unloading operations shall be performed by reliable persons properly instructed and made responsible for careful compliance with all applicable procedures.

(c) Caution signs shall be so placed on the track or car as to give necessary warning to persons approaching car from open end or ends of siding and shall be left up until after car is unloaded and disconnected from discharge connections. Signs shall be of metal or other suitable material, at least 12 by 15 inches in size and bear the words "STOP—Tank Car Connected" or "STOP—Men At Work" the word "STOP", being in letters at least 4 inches high and the other words in letters at least 2 inches high. The letters shall be white on a blue background.

(d) The track of a tank car siding shall be substantially level.

(e) Brakes shall be set and wheels blocked on all cars being unloaded.

(f) Tank cars of anhydrous ammonia shall be unloaded only at approved locations meeting the requirements of WAC 296-24-51009(9)(c) and (12)(h) of this section.

(14) Liquid level gaging device.

(a) Each container except those filled by weight shall be equipped with an approved liquid level gaging device.

(b) All gaging devices shall be arranged so that the maximum liquid level to which the container is filled is readily determined. (See WAC 296-24-51009(4)(b)(vii)).

(c) Gaging devices that require bleeding of the product to the atmosphere such as the rotary tube, fixed tube, and slip tube devices, shall be designed so that the maximum opening of the bleed valve is not larger than No. 54 drill size unless provided with an excess flow valve. (This requirement does not apply to farm vehicles used for the application of ammonia as covered in WAC 296-24-51021.)

(d) Gaging devices shall have a design pressure equal to or greater than the design pressure of the container on which they are installed.

(e) Fixed liquid level gages shall be so designed that the maximum volume of the container filled by liquid shall not exceed 85% of its water capacity. The coupling into which the fixed liquid level gage is threaded must be placed at the 85% level of the container. If located elsewhere, the dip tube of this gage must be installed in such a manner that it cannot be readily removed.

NOTE: This does not apply to refrigerated storage.

(f) Gage glasses of the columnar type shall be restricted to stationary storage installation. They shall be equipped with shutoff valves having metallic handwheels, with excess-flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun.

(15) Painting of containers. Aboveground uninsulated containers should have a reflective surface maintained in good condition. White is recommended for painted surfaces, but other light reflecting colors are acceptable.

(16) Electrical equipment and wiring.

(a) Electrical equipment and wiring for use in ammonia installations shall be general purpose or weather resistant as appropriate.

(b) Where concentrations of ammonia in air in excess of 16% by volume are likely to be encountered, electrical equipment and wiring shall be of a type specified by and be installed in accordance with National Electrical Code, NFPA 70 (ANSI-C1), for Class I, Group D locations.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-51013 REFRIGERATED STORAGE. This section applies specifically to systems utilizing tanks for the storage of anhydrous ammonia under refrigerated conditions. All Basic Rules of WAC 296-24-51009 apply to this section unless inconsistent with the requirements of this section.

(1) Design of tanks.

(a) Tanks may be designed for any storage pressure desired as determined by economical design of the refrigerated system.

(b) The design temperature shall be the minimum temperature to which the container will be refrigerated and shall be so designated.

(c) Containers with a design pressure exceeding 15 p.s.i.g. shall be constructed in accordance with WAC 296-24-51009(2) and the material shall be selected from those listed in API Standards 620, 4th edition 1970, Recommended Rules for Design and Construction of Large, Welded Low-Pressure Storage Tanks, Tables 2.02, R.2.1, R.2.2, R.2.3 or R.2.4.

(d) Tanks with a design pressure of 15 psig and less shall be constructed in accordance with the general requirements of API Standard 620, 4th edition, 1970, including Appendix R.

(e) When austenitic steels or nonferrous materials are used, the ASME Code shall be used as a guide in selection of materials for use at the design temperature.

(f) The filling density for refrigerated storage containers shall be such that the container will not be liquid full at a liquid temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety-relief valve. [New 1-22-76]

(2) Installation of storage tanks.

(a) Tanks shall be supported on suitable noncombustible foundations designed to accommodate the type of tank being used.

(b) Adequate protection against flotation or other water damage shall be provided wherever high flood water might occur.

(c) Tanks for product storage at less than 32F shall be supported in such a way, or heat shall be supplied, to prevent the effects of freezing and consequent frost heaving.

(d) The area surrounding a refrigerated tank or group of tanks shall be provided with drainage, or shall be diked to prevent accidental discharge of liquid from spreading to uncontrolled areas.

(e) When drainage is employed, a slope of not less than one percent shall be provided. The drainage system shall terminate in an impounding basin having a capacity as large as the largest tank served.

(f) Provision shall be made for drainage of rain water from the diked or impounding area. Such drainage shall not permit the release of ammonia.

(g) When a dike surrounding the tank is employed, the capacity of the diked enclosure shall be as large as the largest tank served.

(h) The walls of a diked enclosure or the wall of an impounding basin used in a drainage system shall be of earth, steel or concrete designed to be liquid tight and to withstand the hydrostatic pressure and the temperature. Earth walls shall have a flat top at least 2 feet wide. The slope shall be stable and consistent with the angle of repose of the earth used.

(i) The ground in an impounding basin or within a diked enclosure, should be graded so that small spills, or the early part of a large spill, will accumulate at one side or corner contacting a relatively small area of ground and exposing a relatively small surface area for heat gain. Shallow channels in the ground surface or low curbs of earth can help guide the liquid to these low areas without contacting a large ground area.

(3) Marking refrigerated containers.

(a) Each refrigerated container shall be marked with a nameplate on the outer covering in an accessible place as specified in the following:

(i) With the name and address of the builder and the date of fabrication.

(ii) With the maximum volume or weight of the product whichever is most meaningful to user.

(iii) With the design pressure.

(iv) With the minimum temperature in degrees Fahrenheit for which the container was designed.

(v) With the maximum allowable water level to which the container may be filled for the test purposes.

(vi) With the density of the product in pounds per cubic foot for which the container was designed.

(vii) With the maximum level to which the container may be filled with liquid anhydrous ammonia.

(4) Tank valves, fill pipes and discharge pipes.

(a) Shut-off valves shall be:

(i) Provided for all connections except those with a No. 54 drill size restriction, plugs, safety valves, thermometer wells, and  
(ii) Located as close to the tank as practicable.

(b) When operating conditions make it advisable, a check valve shall be installed on the fill connection and a remotely operated shut-off valve on other connections located below the maximum liquid level.

(5) Safety relief devices.

(a) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of the design pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in a tank of more than 120% of the design pressure.

(b) The total relieving capacity shall be the larger requirement of WAC 296-24-51013(5)(b)(i) or (ii).

(i) Possible refrigeration system upset such as (A) cooling water failure, (B) power failure, (C) instrument air or instrument failure, (D) mechanical failure of any equipment, (E) excessive pumping rates, (F) changing atmospheric conditions.

(ii) Either one of the following formulas for fire exposure, (1) for valve manufacturers who use weight of vapors to be relieved as basis for classifying valves:

$$W = \frac{34,500 F A^{(superscript 0.82)}}{L}$$

or (2) for valve manufacturers that classify valves on the basis of air flow:

$$Q_a = \frac{633,000 F A^{(superscript 0.82)}}{L C} \quad (\text{See Illus.})$$

Where

W = weight of vapors to be relieved in pounds/hour at relieving conditions;

Q<sub>a</sub> = air flow in cubic feet per minute at standard conditions (60F and 14.7 psi);

F = fireproofing credit. Use F = 1.0 except when an approved fireproofing material of recommended thickness is used, then use F = 0.2.

A = total surface area in square feet up to 25 feet above grade or to the equator of a sphere, whichever is greater;

Z = compressibility factor of ammonia at relieving conditions (if not known, use Z = 1.0);

T = temperature in degrees R (460 + temperature in degrees F of gas at relieving conditions);

M = molecular weight = 17 for ammonia;

L = latent heat of ammonia at relieving conditions;

C = constant based on relation of specific heats. (C may be obtained from the following table.)

(If K is not known use C = 315.)

K	C	K	C	K	C
1.00	315	1.26	343	1.52	366
1.02	318	1.28	345	1.54	368
1.04	320	1.30	347	1.56	369
1.06	322	1.32	349	1.58	371
1.08	324	1.34	351	1.60	372
1.10	327	1.36	352	1.62	374
1.12	329	1.38	354	1.64	376
1.14	331	1.40	356	1.66	377
1.16	333	1.42	358	1.68	379
1.18	335	1.44	359	1.70	380
1.20	337	1.46	361	2.00	400
1.22	339	1.48	363	2.20	412
1.24	341	1.50	364		

Where K = C<sub>p</sub>/C<sub>v</sub> at atmospheric conditions and

C<sub>p</sub> = Specific heat of vapor at constant pressure.

C<sub>v</sub> = Specific heat of vapor at constant volume.

(c) Shut-off valves of adequate flow (~~capacity~~) capacity may be provided and used to facilitate inspection and repair of safety relief valves. When a shut-off valve is provided it shall be so arranged that it can be locked or sealed open, and it shall not be closed except by an authorized person who shall remain stationed there while the valve remains closed, and who shall again lock or seal the valve open when leaving the station.

(d) Safety relief devices shall comply with the following:

(i) If stacks are used they shall be suitably designed to prevent obstruction by rain, snow, ice or condensate. The outlet size shall not be smaller than the nominal size of the safety relief valve outlet connection.



(ii) Discharge lines may be used if desired. Multiple safety relief valves on the same storage unit may be run into a common discharge header. The discharge line and header shall be designed to accommodate the maximum flow and a back pressure not exceeding 10% of the design pressure of the storage container. This back pressure shall be included in the 120% total maximum pressure given in WAC 296-24-51013(5)(a). No other container or system shall exhaust into this discharge line or header. The vent lines shall be installed to prevent accumulation of liquid in the lines.

(e) Atmospheric storage shall be provided with vacuum breakers. Ammonia gas may be used to provide a pad.

(6) Protection of container appurtenances. Refrigerated storage containers shall comply with the provisions of WAC 296-24-51011(7).

(7) Reinstallation of containers. Containers of such size as to require field fabrication shall, when moved and reinstalled, be reconstructed and reinspected in complete accordance with the code under which they were constructed. The containers shall be subjected to a pressure retest, and if rerating is necessary, it shall be done in accordance with the applicable code pressures.

(8) Damage from vehicles. Precaution shall be taken to avoid any damage by trucks, tractors, or other vehicles.

(9) Refrigeration load and equipment.

(a) The total refrigeration load shall be computed as the sum of the following:

(i) Load imposed by heat flow into the container caused by the temperature differential between the ambient temperature and the design storage temperature.

(ii) Load imposed by heat flow into the tank caused by maximum sun radiation.

(iii) Maximum load imposed by filling the tank with ammonia warmer than the design storage temperature.

(b) More than one storage tank may be handled by the same refrigeration system.

(c) Compressors. (See also WAC 296-24-51009(12)(g).) (i) A minimum of two compressors shall be provided, either of which if of sufficient size to handle the loads listed in WAC 296-24-51013(9)(a)(i) and (ii). Where more than two compressors are provided, minimum standby equipment equal to the largest normally operating equipment shall be installed. Compressors required for WAC 296-24-51013(9)(a)(iii) may be used as standby equipment for compressors required in WAC 296-24-51013(9)(a)(i) and (ii).

(ii) Compressors shall be sized to operate with a suction pressure at least 10% below the minimum setting of the safety relief valve(s) on the storage tank and shall withstand a suction pressure at least equal to 120% of the design pressure of the tank. Discharge pressure will be governed by condensing conditions.

(d) Compressor Drives. (i) Each compressor shall have its individual driving unit.

(ii) Any standard drive consistent with good design may be used.

(iii) An emergency source of power of sufficient capacity to handle the loads listed in WAC 296-24-51013(9)(a)(i) and (ii) shall be provided, unless facilities are provided to safely dispose of vented vapors while the refrigeration system is not operating.

(e) Automatic Control Equipment. (i) The refrigeration system shall be arranged with suitable controls to govern the compressor operation in accordance with the load as evidenced by the pressure in the container(s).

(ii) An emergency alarm system shall be installed to function in the event the pressure in the container(s) rises to the maximum or falls to the minimum allowable operating pressure.

(iii) An emergency alarm and shut-off shall be located in the condenser system to respond to excess discharge pressure caused by failure of the cooling medium.

(iv) All automatic controls shall be installed in a manner to preclude operation of alternate compressors unless the controls will function with the alternate compressors.

(f) Separators. ((f)) An entrainment separator of suitable size and design pressure shall be installed in the compressor suction line. The separator shall be equipped with a drain and gaging device.

(((f))) An oil separator of suitable size shall be installed in the compressor discharge line. It shall be designed for at least 250 psig and shall be equipped with a gaging device and drain valve.))

(g) Condensers. The condenser system may be cooled by air or water or both. The condenser shall be designed for at least 250 psig. Provision shall be made for purging non-condensibles either manually or automatically.

(h) Receiver and Liquid Drain. A receiver shall be provided which is equipped with an automatic float valve to discharge the liquid ammonia to storage or with a high pressure liquid drain trap of suitable capacity. The receiver shall be designed for at least 250 psig operating pressure and be equipped with the necessary connections, safety relief valves and gaging device.

(i) Insulation. Refrigerated containers and pipe lines which are insulated shall be covered with a material of suitable quality and thickness for the temperatures encountered. Insulation shall be suitably supported and protected against the weather. Weatherproofing shall be of a type which will not support flame propagation.

(10) Safety equipment. All refrigerated storage plants shall have on hand the minimum safety equipment required under WAC 296-24-51009(10)(c).

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-59001 GENERAL REQUIREMENTS. (1) Operable condition. Portable extinguishers shall be maintained in a fully charged and operable condition, and kept in their designated places at all times when they are not being used.

(2) Location. Extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. They shall be located along normal paths of travel.

(3) Marking of location. Extinguishers shall not be obstructed or obscured from view. In large rooms, and in certain locations where visual obstruction cannot be completely avoided, means shall be provided to indicate the location and intended use of extinguishers conspicuously.

(4) Marking of extinguishers. If extinguishers intended for different classes of fire are grouped, their intended use shall be marked conspicuously to insure choice of the proper extinguisher at the time of a fire.

(5) (~~Mounting of Extinguishers. Extinguishers shall be installed on the hangers or in the brackets supplied, mounted in cabinets, or set on shelves unless the extinguishers are of the wheeled type.~~)

(6) ~~Height of Mounting. Extinguishers having a gross weight not exceeding 40 pounds shall be installed so that the top of the extinguisher is not more than 5 feet above the floor. Extinguishers having a gross weight greater than 40 pounds (except wheeled types) shall be so installed that the top of the extinguisher is not more than 3 1/2 feet above the floor.~~

(7) ~~Cabinet Mounting. Extinguisher mounted in cabinets or wall recesses or set on shelves shall be placed in a manner such that the extinguisher operating instructions face outward. The location of such extinguishers shall be marked conspicuously.~~

(8) ~~Vibrating Location. Extinguishers installed under conditions where they are subject to severe vibration shall be installed in brackets specifically designed to withstand the impact of vibration and to prevent the extinguisher from becoming dislodged.~~

(9) ~~Temperature range. Extinguishers shall be suitable for use within a temperature range of at least plus 40° to 120° Fahrenheit.~~

(((9))) (6) Extreme temperature exposure. When extinguishers are installed in locations subjected to temperatures outside the range prescribed in WAC 296-24-59001(9), they shall be of a type approved or listed for the temperature to which they will be exposed, or placed in an enclosure capable of maintaining the temperature within the range prescribed in WAC 296-24-59001(9).

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-59005 DISTRIBUTION OF PORTABLE FIRE EXTINGUISHERS. (1) General.

(a) The number of fire extinguishers needed to protect a property shall be determined as prescribed herein, considering the area and arrangement of the building or occupancy, the severity of the hazard, the anticipated classes of fires, and the distances to be traveled to reach extinguishers.

(b) Fire extinguishers shall be provided for the protection of both the building structure, if combustible, and the occupancy hazards contained therein.

(c) (~~Required building protection shall be provided by fire extinguishers suitable for Class A fires.~~)

(d) Occupancy hazard protection shall be provided by fire extinguishers suitable for such Class A, B, C, or D fire potentials as may be present.

~~((c))~~ Extinguishers provided for building protection may be considered also for the protection of occupancies having a Class A fire potential.

~~(f))~~ (d) Combustible buildings having an occupancy hazard subject to Class B, and/or Class C fires, shall have a standard complement of Class A fire extinguishers as required by Table L-1 for building protection, plus additional Class B and/or Class C extinguishers. Where fire extinguishers have more than one letter classification (such as 2-A; 20-B;C), they may be considered to satisfy the requirements of each letter class.

~~((g))~~ (e) Rooms or areas shall be graded generally as light hazard, ordinary hazard, or extra hazard. Limited areas of greater or lesser hazard shall be protected as required.

(2) Fire extinguisher size and placement for Class A hazards.

(a) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L-1. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L-1.

TABLE L-1

Basic minimum extinguisher rating for area specified	Maximum travel distances to extinguishers (feet)	Areas to be protected per extinguisher		
		Light hazard occupancy (square feet)	Ordinary hazard occupancy (square feet)	Extra hazard occupancy (square feet)
1A .....	75	3,000	Note 1	Note 1
2A .....	75	6,000	3,000	Note 1
3A .....	75	9,000	4,500	3,000
4A .....	75	11,250	6,000	4,000
6A .....	75	11,250	9,000	6,000

NOTE 1: Not permitted except as specified in (2)(b) of this section.

(b) The protection requirements specified in Table L-1 may be fulfilled by several extinguishers of lower ratings for ordinary or extrahazard occupancies.

(c) Where the floor area of a building is less than that specified in Table L-1, at least one extinguisher of the minimum size recommended shall be provided.

(d) The protection requirements may be fulfilled with extinguishers of higher rating provided the travel distance to such larger extinguishers shall not exceed 75 feet.

(3) Fire extinguisher size and placement for Class B fires other than for fires in flammable liquids of appreciable depth.

(a) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L-2. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L-2.

TABLE L-2

Type of Hazard	Basic minimum extinguisher rating	Maximum travel distance to extinguishers (feet)
Light .....	4B	50
Ordinary .....	8B	50
Extra .....	12B	50

NOTE: Where this section calls for minimum extinguisher ratings of 4-B, 8-B, or 12-B, the requirements may be met by existing extinguishers of multiple foam extinguishers as allowed by (3)(b) of this section. However, if a single extinguisher must be purchased to fulfill such requirements, the next higher rating shall be used.

(b) Two or more extinguishers of lower rating, except for foam extinguishers, shall not be used to fulfill the protection requirements of

Table L-2. Up to three foam extinguishers may be used to fulfill these requirements.

(c) The protection requirements may be fulfilled with extinguishers of higher ratings provided the travel distance to such larger extinguishers shall not exceed 50 feet.

(4) Fire extinguisher size and placement for Class B fires in flammable liquids of appreciable depth.

(a) For flammable liquid hazards of appreciable depth (Class B), such as in dip or quench tanks, Class B fire extinguishers shall be provided on the basis of one numerical unit of Class B extinguishing potential per square foot of flammable liquid surface of the largest tank hazard within the area.

NOTE: Appreciable depth is defined as a depth of a liquid greater than one-quarter inch.

(b) Two or more extinguishers of lower ratings except for foam extinguishers, shall not be used in lieu of the extinguisher required for the largest tank. Up to three foam extinguishers may be used to fulfill these requirements.

(c) Scattered or widely separated hazards shall be individually protected if the specified travel distances in (3)(a) and (b) of this section are exceeded. Likewise, extinguishers in the proximity of a hazard shall be carefully located so as to be accessible in the presence of a fire without undue danger to the operator.

(5) Fire extinguisher size and placement for Class C hazards.

(a) Extinguishers with Class C ratings shall be required where energized electrical equipment may be encountered which would require a nonconducting extinguishing media. This will include fire either directly involving or surrounding electrical equipment. Since the fire itself is a Class A or Class B hazard the extinguishers are sized and located on the basis of the anticipated Class A or B hazard.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-60003 HOSE OUTLETS. (1) Location of hose.

(a) Hose outlets shall be within easy reach of a person standing on the floor and in no case shall be over 6 feet from the floor. Hose stations shall be located conspicuously within the immediate area and where not likely to be obstructed. Hose may be located at one side of the standpipe and supplied by short lateral connections to the standpipe where necessary to avoid obstructions.

(b) For Class III service, the outlets for large hose shall be located in a stairway enclosure, and for small hose the outlets shall be located in the corridor or space adjacent to the stairway enclosure.

(2) Hose connections.

(a) ~~((Standpipes for Class I service shall be provided with 2 1/2-inch hose connections on each floor.~~

~~(b))~~ Stand pipes for Class II service shall be provided with 1 1/2-inch hose connections on each floor.

~~((c))~~ (b) Standpipes for Class III service shall be provided with both a 2 1/2-inch and 1 1/2-inch hose connection on each floor. The hose connections may be through one 2 1/2-inch hose valve and an easily removable 2 1/2-inch by 1 1/2-inch adapter.

(3) Hose. Each hose outlet provided for the use of building occupants (Class II and III services) shall be equipped with approved small fire hose attached and ready for use. The maximum total length of unlined hose shall be 75 feet. The maximum total length of lined hose shall be 100 feet.

(4) Hose racks or reels. Each station provided with small hose shall be equipped with an approved rack, or an approved reel, securely fastened in position; provided, that an employer may continue to use a reel acquired prior to May 20, 1974, even though it is not approved, so long as it is in good working condition.

(5) Hose valves.

(a) An approved hose valve shall be provided at each outlet for attachment of hose.

(b) Where the static pressure at any standpipe outlet for small hose exceeds 100 pounds per square inch, an approved device shall be installed at the outlet to reduce the pressure so that the nozzle pressure will be approximately 80 pounds per square inch.

NOTE: Pressure reducers are not required on standpipe outlets for 2 1/2-inch hose because it is assumed 2 1/2-inch hose will be attached only when the persons likely to use it are trained in handling large streams.

(c) National (American) Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit existing equipment; (see

Standard for Screw Threads Gaskets for Fire Hose Couplings, NFPA No. 194-1968).

(6) Nozzles. Nozzles shall be of an approved type. Size of nozzles for small hose shall be not larger than one-half inch.

(7) Dry standpipe identification. Each hose connection on dry standpipes shall be provided with a conspicuous, durable, and permanently legible sign reading "Dry Standpipe for Fire Department Use Only."

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-60005 WATER SUPPLIES.** (1) ~~((Minimum Supply for Class I Service. (a) The minimum supply for Class I service shall be sufficient to provide 500 gallons per minute for a period of at least thirty (30) minutes.~~

~~(b) Where more than one standpipe is required, the minimum supply shall be 500 gallons per minute for the first standpipe and 250 gallons per minute for each additional standpipe, the total supply not to exceed 2,500 gallons a minute, for a period of at least thirty (30) minutes.~~

~~(c) The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 500 gallons per minute flowing.~~

~~(2)) Minimum supply for Class II service. The minimum supply for Class II service shall be sufficient to provide 100 gallons per minute for a period of at least thirty ((30)) minutes. The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 100 gallons per minute flowing.~~

~~((3)) (2) Minimum supply for Class III service. The minimum supply for Class III service shall be the same as for Class I service.~~

~~((4) Fire Department Connections. (a) One or more fire department connections shall be provided for each Class I or Class III standpipe system:~~

~~(b) In high-rise buildings having two or more zones, a fire department connection shall be provided for each zone:~~

~~(c) Fire department connections shall be properly supported:~~

~~(d) There shall be no shutoff valve in the fire department connection:~~

~~(e) An approved straightway check valve shall be installed in each fire department connection, located as near as practicable to the point where it joins the system:~~

~~(f) The pipe between the check valve and the outside hose coupling shall be equipped with an approved automatic drip, arranged to discharge to a proper place:~~

~~(g) Hose connections shall be approved type and shall be equipped with standard caps, properly secured and arranged for easy removal by fire departments:~~

~~(h) Hose coupling threads shall conform to those used by the local fire department. (American) National Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit the local fire department hose threads, (see Standard for Screw Threads and Gaskets for Fire Hose Couplings, NFPA No. 194-1968.)~~

~~(i) Hose connections should be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections:~~

~~(j) Hose connections shall be designated by a sign having raised letters at least one inch in size cast on a plate or fitting, reading "Standpipe."~~

~~(k) If hose connection does not serve all of the building an appropriate and durable sign shall be attached indicating the portions of the building served:))~~

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-61505 INSPECTION AND MAINTENANCE.**

(1) Inspection and tests.

(a) At least annually, all dry chemical systems including alarms, shutdowns, and other associated equipment, shall be thoroughly inspected and checked for proper operation by a competent inspector.

(b) The purpose of the inspection and testing prescribed by this subsection (c) of this section shall be not only to insure that the system is in full operating condition but also to indicate the probable continuance of that condition until the next inspection. Attention at this inspection shall be given to any extension of the hazard protected by the system.

~~(c) ((The inspector's report, with recommendations, if any, shall be filed with the employer or with whomever is designated by the employer.~~

~~(d)) Between the regular annual inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a predetermined schedule.~~

~~((e)) (d) At least semiannually, all expellant gas containers shall be checked by pressure or weight against the required minimums.~~

~~((f)) (e) At least semiannually, all stored pressure dry chemical containers shall be checked by pressure and weight against the required minimums.~~

~~((g)) (f) Except for stored pressure systems, at least annually the dry chemical in the system storage container shall be sampled from the top center and also near the wall to determine the existence of lumps harder than will be friable when dropped from a height of 4 inches.~~

~~(2) Maintenance.~~

~~(a) These fixed dry chemical systems shall be maintained in full operating condition at all times. Use, impairment, and restoration of this protection shall be reported promptly to the employer.~~

~~(b) Any troubles or impairments shall be corrected at once by competent personnel.~~

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-68209 PROTECTIVE EQUIPMENT, HOSE, AND REGULATORS.** (1) General. Equipment shall be installed and used only in the service for which it is approved and as recommended by the manufacturer.

(2) Pressure relief devices. Service piping systems shall be protected by pressure relief devices set to function at not more than the design pressure of the systems and discharging upwards to a safe location.

(3) Piping protective equipment.

(a) The fuel-gas and oxygen piping systems, including portable outlet headers shall incorporate the protective equipment shown in Figures Q-1, Q-2, and Q-3.

When only a portion of a fuel-gas system is to be used with oxygen, only that portion need comply with (3)(a) of this section.

(b) Approved protective equipment (designated P<sub>F</sub> in Figs. Q-1, Q-2, and Q-3) shall be installed in fuel-gas piping to prevent:

- (i) Backflow of oxygen into the fuel-gas supply system;
- (ii) Passage of a flash back into the fuel-gas supply system; and
- (iii) Excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

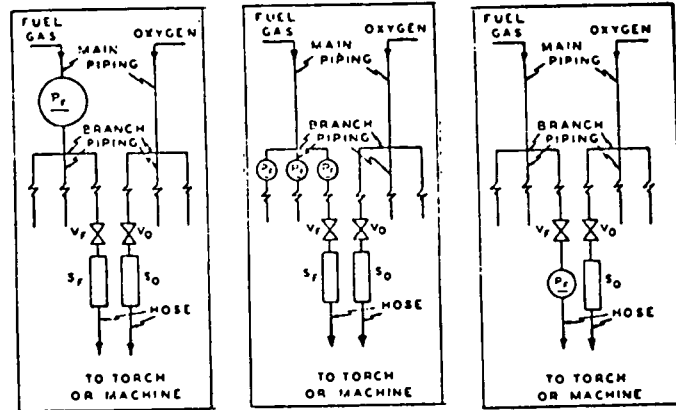


FIG. Q-1

FIG. Q-2

FIG. Q-3

**LEGEND**

- P<sub>F</sub>—Protective equipment in fuel gas piping
- V<sub>F</sub>—Fuel gas station outlet valve
- V<sub>O</sub>—Oxygen station outlet valve
- S<sub>F</sub>—Backflow prevention device(s) at fuel gas station outlet
- S<sub>O</sub>—Backflow prevention device(s) at oxygen station outlet

(c) The protective equipment shall be located in the main supply line, as in Figure Q-1 or at the head of each branch line, as in Figure

Q-2 or at each location where fuel-gas is withdrawn, as in Figure Q-3. Where branch lines are of 2-inch pipe size or larger or of substantial length, protective equipment (designated as P<sub>F</sub>) shall be located as shown in either Q-2 and Q-3.

(d) Backflow protection shall be provided by an approved device that will prevent oxygen from flowing into the fuel-gas system or fuel from flowing into the oxygen system (see S<sub>F</sub>, Figs. Q-1 and Q-2).

(e) Flash-back protection shall be provided by an approved device that will prevent flame from passing into the fuel-gas system.

(f) Back-pressure protection shall be provided by an approved pressure-relief device set at a pressure not greater than the pressure rating of the backflow or the flashback protection device, whichever is lower. The pressure-relief device shall be located on the downstream side of the backflow and flashback protection devices. The vent from the pressure-relief device shall be at least as large as the relief device inlet and shall be installed without low points that may collect moisture. If low points are unavoidable, drip pots with drains closed with screw plugs or caps shall be installed at the low points. The vent terminus shall not endanger personnel or property through gas discharge; shall be located away from ignition sources; and shall terminate in a hood or bend.

(g) If pipeline protective equipment incorporates a liquid, the liquid level shall be maintained, and a suitable anti-freeze may be used to prevent freezing.

(h) Fuel gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

(4) Station outlet protective equipment.

(a) A check valve pressure regulator, hydraulic seal, or combination of these devices shall be provided at each station outlet, including those on portable headers, to prevent backflow, as shown in Figures Q-1, Q-2, and Q-3 and designated as S<sub>F</sub> and S<sub>O</sub>.

(b) When approved pipeline protective equipment (designated P<sub>F</sub>) is located at the station outlet as in Figure Q-3, no additional check valve, pressure regulator, or hydraulic seal is required.

(c) A shutoff valve (designated V<sub>F</sub> and V<sub>O</sub>) shall be installed at each station outlet and shall be located on the upstream side of other station outlet equipment.

(d) If the station outlet is equipped with a detachable regulator, the outlet shall terminate in a union connection that complies with the Regulator Connection Standards, 1958, Compressed Gas Association.

(e) If the station outlet is connected directly to a hose, the outlet shall terminate in a union connection complying with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(f) Station outlets may terminate in pipe threads to which permanent connections are to be made, such as to a machine.

(g) Station outlets shall be equipped with a detachable outlet seal cap secured in place. This cap shall be used to seal the outlet except when a hose, a regulator, or piping is attached.

(h) Where station outlets are equipped with approved backflow and flashback protective devices, as many as four torches may be supplied from one station outlet through rigid piping, provided each outlet from such piping, is equipped with a shutoff valve and provided the fuel-gas capacity of any one torch does not exceed 15 cubic feet per hour. This rule does not apply to machines.

(5) Hose and hose connections.

(a) Hose for oxy-fuel gas service shall comply with the Specification for Rubber Welding Hose, 1958, Compressed Gas Association and Rubber Manufacturers Association.

(b) ~~((The generally recognized colors are red for acetylene and other fuel-gas hose, green for oxygen hose, and black for inert-gas and air hose.~~

~~((c))~~ When parallel lengths of oxygen and acetylene hose are taped together for convenience and to prevent tangling, not more than 4 inches out of 12 inches shall be covered by tape.

~~((d))~~ (c) Hose connections shall comply with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

~~((e))~~ (d) Hose connections shall be clamped or otherwise securely fastened in a manner that will withstand, without leakage, twice the pressure to which they are normally subjected in service, but in no case less than a pressure of 300 p.s.i. Oil-free air or an oil-free inert gas shall be used for the test.

~~((f))~~ (e) Hose showing leaks, burns, worn places, or other defects rendering it unfit for service shall be repaired or replaced.

(6) Pressure-reducing regulators.

(a) Pressure-reducing regulators shall be used only for the gas and pressures for which they are intended. The regulator inlet connections

shall comply with Regulator Connection Standards, 1958, Compressed Gas Association.

(b) When regulators or parts of regulators, including gages, need repair, the work shall be performed by skilled mechanics who have been properly instructed.

(c) Gages on oxygen regulators shall be marked "USE NO OIL".

(d) Union nuts and connections on regulators shall be inspected before use to detect faulty seats which may cause leakage of gas when the regulators are attached to the cylinder valves. ~~((Damaged nuts or connections shall be destroyed:))~~

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-68211 ACETYLENE GENERATORS. (1) Approval and marking.

(a) Generators shall be of approved construction and shall be plainly marked with the maximum rate of acetylene in cubic feet per hour for which they are designed; the weight and size of carbide necessary for a single charge; the manufacturer's name and address; and the name or number of the type of generator.

(b) Carbide shall be of the size marked on the generator nameplate.

(2) Rating and pressure limitations.

(a) The total hourly output of a generator shall not exceed the rate for which it is approved and marked. Unless specifically approved for higher ratings, carbide-feed generators shall be rated at 1 cubic foot per hour per pound of carbide required for a single complete charge.

(b) Relief valves shall be regularly operated to insure proper functioning. Relief valves for generating chambers shall be set to open at a pressure not in excess of 15 p.s.i.g. Relief valves for hydraulic back pressure valves shall be set to open at a pressure not in excess of 20 p.s.i.g.

(c) Nonautomatic generators shall not be used for generating acetylene at pressures exceeding 1 p.s.i.g., and all water overflows shall be visible.

(3) Location. The space around the generator shall be ample for free, unobstructed operation and maintenance and shall permit ready adjustment and charging.

(4) Stationary acetylene generators (automatic and nonautomatic).

(a) The foundation shall be so arranged that the generator will be level and so that no excessive strain will be placed on the generator or its connections. Acetylene generators shall be grounded.

(b) Generators shall be placed where water will not freeze. The use of common salt (sodium chloride) or other corrosive chemicals for protection against freezing is not permitted. (For heating systems see WAC 296-24-68211(6)(k).

(c) Except when generators are prepared in accordance with WAC 296-24-68211(7)(i), sources of ignition shall be prohibited in outside generator houses or inside generator rooms.

(d) Water shall not be supplied through a continuous connection to the generator except when the generator is provided with an adequate open overflow or automatic water shutoff which will effectively prevent overflowing of the generator. Where a noncontinuous connection is used, the supply line shall terminate at a point not less than 2 inches above the regularly provided opening for filling so that the water can be observed as it enters the generator.

(e) Unless otherwise specifically approved, generators shall not be fitted with continuous drain connections leading to sewers, but shall discharge through an open connection into a suitably vented outdoor receptacle or residue pit which may have such connections. An open connection for the sludge drawoff is desirable to enable the generator operator to observe leakage of generating water from the drain valve or sludge cock.

(f) Each generator shall be provided with a vent pipe ~~((of Schedule 40 galvanized iron or steel, except that outside of buildings, vent pipes larger than 4 inches in diameter may be not less than 14 gage galvanized tubing or sheet steel)).~~

(g) The escape or relief pipe shall be rigidly installed without traps and so that any condensation will drain back to the generator.

(h) The escape or relief pipe shall be carried full size to a suitable point outside the building. It shall terminate in a hood or bend located at least 12 feet above the ground, preferably above the roof, and as far away as practicable from windows or other openings into buildings and as far away as practicable from sources of ignition such as flues or chimneys and tracks used by locomotives. Generating chamber relief pipes shall not be inter-connected but shall be separately led to the outside air. The hood or bend shall be so constructed that it will not be

obstructed by rain, snow, ice, insects, or birds. The outlet shall be at least 3 feet from combustible construction.

(i) Gas holders shall be constructed on the gasometer principle, the bell being suitably guided. The gas bell shall move freely without tendency to bind and shall have a clearance of at least 2 inches from the shell.

(j) The gas holder may be located in the generator room, in a separate room or out of doors. In order to prevent collapse of the gas bell or infiltration of air due to a vacuum caused by the compressor or booster pump or cooling of the gas, a compressor or booster cutoff shall be provided at a point 12 inches or more above the landing point of the bell. When the gas holder is located indoors, the room shall be ventilated in accordance with WAC 296-24-68211(6)(j) and heated and lighted in accordance with WAC 296-24-68211(6)(k) and (1).

(k) When the gas holder is not located within a heated building, gas holder seals shall be protected against freezing.

(l) Means shall be provided to stop the generator-feeding mechanism before the gas holder reaches the upper limit of its travel.

(m) When the gas holder is connected to only one generator, the gas capacity of the holder shall be not less than one-third of the hourly rating of the generator.

(n) If acetylene is used from the gas holder without increase in pressure at some points but with increase in pressure by a compressor or booster pump at other points, approved piping protective devices shall be installed in each supply line. The low-pressure protective device shall be located between the gas holder and the shop piping, and the medium-pressure protective device shall be located between the compressor or booster pump and the shop piping (see Figure Q-4). Approved protective equipment (designated  $P_F$ ) is used to prevent: Backflow of oxygen into the fuel-gas supply system; passage of a flashback into the fuel-gas supply system; and excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

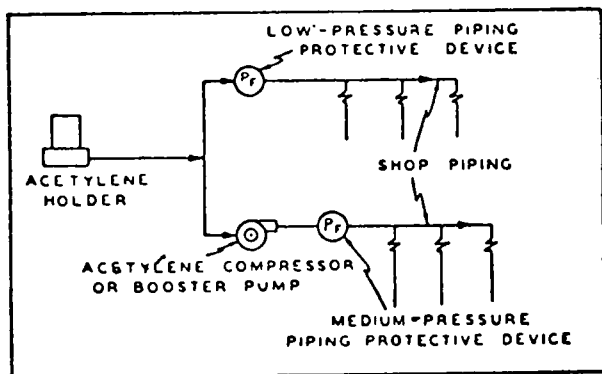


FIGURE Q-4

(o) The compressor or booster system shall be of an approved type.  
 (p) Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of the National Electrical Code, Part 5, NFPA-1971, article 501, (ANSI-C 1-1971) for Class I, Division 2 locations.

(q) Compressors and booster pump equipment shall be located in well-ventilated areas away from open flames, electrical or mechanical sparks, or other ignition sources.

(r) Compressor or booster pumps shall be provided with pressure relief valves which will relieve pressure exceeding 15 p.s.i.g. to a safe outdoor location as provided in WAC 296-24-68211(2)(b), or by returning the gas to the inlet side or to the gas supply source.

(s) Compressor or booster pump discharge outlets shall be provided with approved protective equipment. (See WAC 296-24-68211(4)(e)).

(5) Portable acetylene generators.

(a) All portable generators shall be of a type approved for portable use.

(b) Portable generators shall not be used within 10 feet of combustible material other than the floor.

(c) Portable generators shall not be used in rooms of total volume less than 35 times the total gas-generating capacity per charge of all generators in the room. Generators shall not be used in rooms having a

ceiling height of less than 10 feet. (To obtain the gas-generating capacity in cubic feet per charge, multiply the pounds of carbide per charge by 4.5).

(d) Portable generators shall be protected against freezing. The use of salt or other corrosive chemical to prevent freezing is prohibited.

(e) Portable generators shall be cleaned and recharged and the air mixture blown off outside buildings.

(f) When charged with carbide, portable generators shall not be moved by crane or derrick.

(g) When not in use, portable generators shall not be stored in rooms in which open flames are used unless the generators contain no carbide and have been thoroughly purged of acetylene. Storage rooms shall be well ventilated.

(h) When portable acetylene generators are to be transported and operated on vehicles, they shall be securely anchored to the vehicles. If transported by truck, the motor shall be turned off during charging, cleaning, and generating periods.

(i) Portable generators shall be located at a safe distance from the welding position so that they will not be exposed to sparks, slag, or misdirection of the torch flame or overheating from hot materials or processes.

(6) Outside generator houses and inside generator rooms for stationary acetylene generators.

(a) No opening in any outside generator house shall be located within 5 feet of any opening in another building.

(b) Walls, floors and roofs of outside generator houses shall be of noncombustible construction.

(c) When a part of the generator house is to be used for the storage or manifolding of oxygen cylinders, the space to be so occupied shall be separated from the generator carbide storage section by partition walls continuous from floor to roof or ceiling, of the type of construction stated in WAC 296-24-68211(6)(h). Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas-tight joint.

(d) Exit doors shall be located so as to be readily accessible in case of emergency.

(e) Explosion venting for outside generator houses and inside generator rooms shall be provided in exterior walls or roofs. The venting areas shall be equal to not less than 1 square foot per 50 cubic feet of room volume and may consist of any one or any combination of the following: Walls of light, noncombustible material preferably single-thickness, single-strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot.

(f) The installation of acetylene generators within buildings shall be restricted to buildings not exceeding one story in height: PROVIDED, HOWEVER, That this will not be construed as prohibiting such installations on the roof or top floor of a building exceeding such height.

(g) Generators installed inside buildings shall be enclosed in a separate room ((of ample size)).

(h) The walls, partitions, floors, and ceilings of inside generator rooms shall be of noncombustible construction having a fire-resistance rating of at least 1 hour. The walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall of the room shall be an exterior wall.

(i) Openings from an inside generator room to other parts of the building shall be protected by a swinging type, self-closing fire door for a Class B opening and having a rating of at least 1 hour. Windows in partitions shall be wired glass and approved metal frames with fixed sash. Installation shall be in accordance with the Standard for the Installation of Fire Doors and Windows, NFPA 80-1970.

(j) Inside generator rooms or outside generator houses shall be well ventilated with vents located at floor and ceiling levels.

(k) Heating shall be by steam, hot water, enclosed electrically heated elements or other indirect means. Heating by flames or fires shall be prohibited in outside generator houses or inside generator rooms, or in any enclosure communicating with them.

(l) Generator houses or rooms shall have natural light during daylight hours. Where artificial lighting is necessary it shall be restricted to electric lamps installed in a fixed position. Unless specifically approved for use in atmospheres containing acetylene, such lamps shall be provided with enclosures of glass or other noncombustible material so designed and constructed as to prevent gas vapors from reaching the lamp or socket and to resist breakage. Rigid conduit with threaded connections shall be used.

(m) Lamps installed outside of wired-glass panels set in gas-tight frames in the exterior walls or roof of the generator house or room are acceptable.

(n) Electric switches, telephones, and all other electrical apparatus which may cause a spark, unless specifically approved for use inside acetylene generator rooms, shall be located outside the generator house or in a room or space separated from the generator room by a gas-tight partition, except that where the generator system is designed so that no carbide fill opening or other part of the generator is open to the generator house or room during the operation of the generator, and so that residue is carried in closed piping from the residue discharge valve to a point outside the generator house or room, electrical equipment in the generator house or room shall conform to the provisions of the National Electrical Code, Part 5, NFPA-1971, article 501, (ANSI-C 1-1971) for Class I, Division 2 locations.

(7) Maintenance and operation.

(a) Unauthorized persons shall not be permitted in outside generator houses or inside generator rooms.

(b) Operating instructions shall be posted in a conspicuous place near the generator or kept in a suitable place available for ready reference.

(c) When recharging generators the order of operations specified in the instructions supplied by the manufacturer shall be followed.

(d) In the case of batch-type generators, when the charge of carbide is exhausted and before additional carbide is added, the generating chamber shall always be flushed out with water, renewing the water supply in accordance with the instruction card furnished by the manufacturer.

(e) The water-carbide residue mixture drained from the generator shall not be discharged into sewer pipes or stored in areas near open flames. Clear water from residue settling pits may be discharged into sewer pipes.

(f) The carbide added each time the generator is recharged shall be sufficient to refill the space provided for carbide without ramming the charge. Steel or other ferrous tools shall not be used in distributing the charge.

(g) Generator water chambers shall be kept filled to proper level at all times except while draining during the recharging operation.

(h) Whenever repairs are to be made or the generator is to be charged or carbide is to be removed, the water chamber shall be filled to the proper level.

(i) Previous to making repairs involving welding, soldering, or other hot work or other operations which produce a source of ignition, the carbide charge and feed mechanism shall be completely removed. All acetylene shall be expelled by completely flooding the generator shell with water and the generator shall be disconnected from the piping system. The generator shall be kept filled with water, if possible, or positioned to hold as much water as possible.

(j) Hot repairs shall not be made in a room where there are other generators unless all the generators and piping have been purged of acetylene. Hot repairs should preferably be made out of doors.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-68213** CALCIUM CARBIDE STORAGE. (1) Packaging.

(a) Calcium carbide shall be contained in metal packages of sufficient strength to prevent rupture. The packages shall be provided with a screw top or equivalent. These packages shall be constructed water- and air-tight. Solder shall not be used in such a manner that the package will fail if exposed to fire.

(b) Packages containing calcium carbide shall be conspicuously marked "Calcium Carbide-Dangerous If Not Kept Dry" or with equivalent warning.

(c) Caution: Metal tools, even the so-called spark resistant type may cause ignition of an acetylene and air mixture when opening carbide containers.

(d) Sprinkler systems shall not be installed in carbide storage rooms.

(2) Storage indoors.

(a) Calcium carbide in quantities not to exceed 600 pounds may be stored indoors in dry, waterproof, and well-ventilated locations.

(b) Calcium carbide not exceeding 600 pounds may be stored indoors in the same room with fuel-gas cylinders.

(c) Packages of calcium carbide, except for one of each size, shall be kept sealed. The seals shall not be broken when there is carbide in excess of 1 pound in any other unsealed package of the same size of carbide in the room.

(d) Calcium carbide exceeding 600 pounds but not exceeding 5,000 pounds shall be stored:

(i) In accordance with (2)(e) of this section.

(ii) In an inside generator room or outside generator house; or

(iii) In a separate room in a one-story building which may contain other occupancies, but without cellar or basement beneath the carbide storage section. Such rooms shall be constructed in accordance with WAC 296-24-68211(6)(h) and (i) and ventilated in accordance with WAC 296-24-68211(6)(j). These rooms shall be used for no other purpose.

(e) Calcium carbide in excess of 5,000 pounds shall be stored in one-story buildings without cellar or basement and used for no other purpose, or in outside generator houses. The location of such storage buildings shall be away from congested mercantile and manufacturing districts. If the storage building is of noncombustible construction, it may adjoin other one-story buildings if separated therefrom by unpierced firewalls; if it is detached less than 10 feet from such building or buildings, there shall be no opening in any of the mutually exposing sides of such buildings within 10 feet. If the storage building is of combustible construction, it shall be at least 20 feet from any other one- or two-story building, and at least 30 feet from any other building exceeding two stories.

(3) Storage outdoors.

(a) Calcium carbide in unopened metal containers may be stored outdoors.

(b) Carbide containers to be stored outdoors shall be examined to make sure that they are airtight and watertight. Periodic reexaminations shall be made for rusting or other damage to a container that might affect its water or air tightness.

(c) The bottom tier of each row shall be placed on wooden planking or equivalent so that the containers will not come in contact with the ground or ground water.

(d) ~~(Storage areas shall be at least 10 feet from lines of adjoining property that may be built upon.)~~

(e) Containers of carbide which have been in storage the longest shall be used first.

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-69005** PORTABLE WELDING MACHINES. (1) Counter-balance. All portable welding guns shall have suitable counter-balanced devices for supporting the guns, including cables, unless the design of the gun or fixture makes counterbalancing impractical or unnecessary.

(2) Safety chains. All portable welding guns, transformers and related equipment that is suspended from overhead structures, eye beams, trolleys, etc., shall be equipped with safety chains or cables. Safety chains or cables shall be capable of supporting the total shock load in the event of failure of any component of the supporting system.

(3) Clevis. ~~(When trolleys are used to support portable welding equipment, they shall be equipped with suitable forged steel clevis for the attachment of safety chains.)~~ Each clevis shall be capable of supporting the total shock load of the suspended equipment in the event of trolley failure.

(4) Switch guards. All initiating switches, including retraction and dual schedule switches, located on the portable welding gun shall be equipped with suitable guards capable of preventing accidental initiation through contact with fixturing, operator's clothing, etc. Initiating switch voltage shall not exceed 24 volts.

(5) Moving holder. The movable holder, where it enters the gun frame, shall have sufficient clearance to prevent the shearing of fingers carelessly placed on the operating movable holder.

(6) Grounding. The secondary and case of all portable welding transformers shall be grounded. Secondary grounding may be by center tapped secondary or by a center tapped grounding reactor connected across the secondary.

**AMENDATORY SECTION** (Amending Order 79-9, filed 7/31/79)

**WAC 296-24-75011** RAILING, TOEBOARDS, AND COVER SPECIFICATIONS. (1) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of from 36 to 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway,



or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

~~((3) Minimum requirements for standard railings under various types of construction are specified in this subsection. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G 41.5-1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B 125.1-1970, American National Standard Specifications for Welded and Seamless Steel Pipe, for pipe.))~~

(a) For wood railings, the posts shall be of at least 2-inch by 4-inch nominal stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch nominal stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.

(b) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal diameter with posts spaced not more than 8 feet on centers.

(c) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than 8 feet on centers.

(d) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail.

(e) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(i) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of from 36 to 42 inches nominal;

(ii) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure;

(iii) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

~~(iv) Elimination of overhang of rail ends unless such overhang does not constitute a hazard, such as, baluster railings, scrollwork railings, paneled railings).~~

~~((4)) (3) A standard toeboard shall be a minimum of 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than 1/4-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over 1 inch in greatest dimension.~~

Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

~~((5)) (4) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.~~

(a) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(b) The size of handrails shall be: When of hardwood, at least 2 inches in diameter; when of metal pipe, at least 1 1/2 inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least 1 1/2 inches. The spacing of brackets shall not exceed 8 feet.

(c) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

~~((6)) (5) All handrails and railings shall be provided with a clearance of not less than 1 1/2 inches between the handrail or railing and any other object.~~

~~((7)) (6) Floor opening covers may be of any material that meets the following strength requirements:~~

(a) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(b) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle of at least 20,000 pounds.

(c) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than 1 inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

~~((8)) (7) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches long or of slat work with openings not more than 2 inches wide with length unrestricted.~~

~~((9)) (8) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward) at any point on the top rail or corresponding member.~~

~~((10)) (9) Wall opening grab handles shall be not less than 12 inches in length and shall be so mounted as to give 1 1/2 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point of the handle.~~

~~((11)) (10) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, or grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.~~

#### AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

WAC 296-24-78005 MATERIALS. (1) Requirements applicable to all wood parts.

(a) All wood parts shall be ~~((of the species specified in Table D-5; seasoned to a moisture content of not more than 15 percent; smoothly machined and dressed on all sides;))~~ free from sharp edges and splinters; sound and free by accepted visual inspection from shake, wane, compression failures, decay, or other irregularities ~~((except as herein after provided)).~~ Low-density wood shall not be used.

(b) Black streaks in western hemlock shall not be considered an irregularity, except that chambers associated with black streaks when present in the part, shall be limited as specified for pitch and bark pockets.

~~((2) Permissible Irregularities in Side Rails and Back Rails. (a) The general slope of grain in side rails of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above when occurring on the edges or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities are permitted.~~

~~(b) Knots shall not appear in narrow faces of side rails. Knots, if tight and sound and less than one-half inch in diameter, are permitted on the wide face provided they are at least one-half inch back from either edge and not more frequent than 1 to any 3 feet of ladder length.~~

~~(c) Pitch and bark pockets are permitted provided they are not more than one-eighth inch in width, or more than 2 inches in length, or more than one-half inch in depth, and then only if they are not more frequent than 1 to any 3 feet of ladder length.~~

~~(d) Checks are permitted on side rails provided they are not more than 6 inches in length or more than one-half inch in depth.~~

(c) Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails are permitted provided no single streak shall exceed one-half inch in width nor shall the aggregate of streaks exceed one-fourth of the face of the side rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection are permitted. Ladder parts containing bow or crook which would interfere with the operation of the ladder shall not be used.

(3) Permissible Irregularities in Flat Steps, Rungs, and Cleats. (a) The general slope of grain in flat steps of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length the slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above. For all ladders, cross grain not steeper than 1 in 10 are permitted in lieu of 1 in 12, provided the size is increased to afford at least 15 percent greater calculated strength than for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(b) The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15 in rungs and cleats. For all ladders cross grain not steeper than 1 in 12 are permitted in lieu of 1 in 15, provided the size is increased to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(c) Knots over one-eighth inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of flat steps and cleats. Knots appearing in the wide faces of flat steps and cleats shall not exceed a diameter of one-fourth inch.

(4) Classification of Species of Wood. Table D-5 gives a list of native woods, divided into four groups on the basis of mechanical properties considered from the standpoint of use for ladder construction.

(a) All minimum dimensions and specifications set forth in (b)(ii) for side rails and flat steps are based on the species of wood listed in Group 3 in Table D-5 except where otherwise provided. The species of all other groups may be substituted for those of Group 3 when used in sizes that provide at least equivalent strength. (See Table D-5 for suggested methods of size adjustment.)

(b) All minimum dimensions and specifications set forth in the following "Factor for Increase In" for rungs and cleats are based on the species of wood listed in Group 1 in Table D-5. The cross-sectional dimensions specified for Group 1 species are increased by the factors shown in this subsection (based on the percentages of Table D-5) for the species group of which the cleats are to be made:

**FACTOR FOR INCREASE IN**

Species group	Each dimension	Width only (thickness unchanged)
1	1.00	1.00
2	1.03	1.05
3	1.11	1.19
4	1.17	1.26

(5) Metal Parts. All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended, and shall be properly coated and protected so as to be rust resistant.)

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-78007 CONSTRUCTION REQUIREMENTS.**

((1) Basis of Requirements. (a) Dimensions specified hereinafter for wood ladders are the minimum dressed cross-sectional dimensions for the types of ladders herein designated, based on the species of woods specified in WAC 296-24-78005(4), at a moisture content of 15 percent. The dimensions for side rails are based on a mortise or gain as specified for the various types of ladders for step or rung attachments. Where the strength of the side rails or back legs is reduced by a greater mortise or gain than shown, or where it is desired to use a cross section for any wood part either dimension of which is less than that specified, the required dimensions may be found as indicated in (1)(b) of this section:

(b) For the side rails of single extension and sectional ladders, the proposed section shall develop an actual stress per square inch not greater than 2,150 pounds for Group 1 woods, 2,000 pounds for Group 2 woods, 1,600 pounds for Group 3 woods, or 1,375 pounds for Group 4 woods when computed by the following formula applying to rectangular sections, with a maximum tolerance of 5 percent over these stresses:

$$S = \frac{3 LD (P+W/16)}{2B (D^3-d^3)} + \frac{1.5 LD (25+W/16)}{B (D^3-0.67)}$$

P = 25 pounds, which is the normal component on each rail of a load of 200 pounds at the center of the ladder, equally distributed between the rails, when the foot of the ladder is moved out of the perpendicular by one-quarter of its length.

S = Stress in extreme fiber in pounds per square inch.

W = Weight of ladder in pounds.

L = Maximum working length of ladder in inches.

B = Net thickness of each side rail in inches.

D = Depth of side rail in inches.

d = Diameter of hole board for rung (d<sup>2</sup> shall be taken as not less than 0.67).

(c) Adjustment of sizes for wood parts of stepladders and other ladder types covered by this section may be made as follows:

(i) The dimensions specified in later sections for parts having rectangular cross sections generally represent only one of a number of possible combinations of thickness and width which could satisfy the requirements for strength and stiffness. Depending upon the material sizes available, manufacturing practices, and like factors, parts produced by a particular manufacturer may or may not agree exactly with the sizes given later. The following provisions provide means for determining equality of load-carrying capacity of parts of different sizes or of determining sizes needed to provide equality:

(ii) Any changes in dimensions shall result in a change in the width-thickness ratio for side rails of back legs not greater than 25 percent from the ratio for a corresponding ladder as now covered in this section:

(iii) Where both dimensions are different from those specified, the load-carrying capacity in bending of a part will be equal to or greater than that of a part of specified dimensions if the ratio P<sub>2</sub>/P<sub>1</sub> is not less than 1, where

$$\frac{P_2 B_2 D_2^2}{P_1 B_1 D_1^2}$$

and

B = Dimension of the part at right angles to the direction of load (width of a step, thickness of a side rail or back leg);

D = Dimension of the part parallel to the direction of load (thickness of a step, width of a side rail or back leg);

B<sub>1</sub>D<sub>1</sub> = Dimensions as specified

B<sub>2</sub>D<sub>2</sub> = Dimensions of part being considered:

(iv) The dimensions to be used in the computations are net dimensions. For example, in the case of a stepladder side rail, the dimension B is to be taken as the gross thickness of the rail minus the depth of the gain for the steps. Where there is a rung hole at the center of depth of a rail, a somewhat more accurate comparison may be made by the use of the formula

$$\frac{P_2 B_2 D_1 (D_2^3-d^3)}{P_1 B_1 D_2 (D_1^3-d^3)}$$

where the symbols have the same meanings as before and d is the diameter of the hole for the rung tenon. In most instances the difference in results calculated by this and by the earlier formula will be slight.

(2)) (1) Portable stepladders. Stepladders longer than 20 feet shall not be supplied. Stepladders as hereinafter specified shall be of three types:

Type I—Industrial stepladder, 3 to 20 feet for heavy duty, such as utilities, contractors, and industrial use.

Type II—Commercial stepladder, 3 to 12 feet for medium duty, such as painters, offices, and light industrial use.

Type III—Household stepladder, 3 to 6 feet for light duty, such as light household use.



(a) General requirements. (i) (Slope is the inclination of side rails or back legs with respect to the vertical and is expressed as a deviation from the vertical per unit length of the member. Stepladders shall be so constructed, that when in the open position, the slope of the front section shall not be less than 3 1/2 inches and the slope of the back section not less than 2 inches, for each 12-inch length of side rail:

(ii)) A uniform step spacing shall be employed which shall be not more than 12 inches. Steps shall be parallel and level when the ladder is in position for use.

((iii)) (ii) The minimum width between side rails at the top, inside to inside, shall be not less than 11 1/2 inches. From top to bottom, the side rails shall spread at least 1 inch for each foot of length of stepladder.

((iv)) When minimum thickness of side rails is used, steps shall be closely fitted into the grooves in the side rails one-eighth inch in depth with a tolerance of one thirty-second inch, and shall be firmly secured as hereinafter described; or they shall be closely fitted into metal brackets of an equivalent strength, which in turn shall be firmly secured to the side rails. The depth of groove herein provided may be increased in proportion to the thickness of side rails as provided in WAC 296-24-78007(2)(b), (c) and (d):

(v) All stepladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back legs, to allow free swinging of the back section without excessive play or wear at the joints.

(vi)) (iii) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in open positions shall be a component of each stepladder. The spreader shall have all sharp points covered or removed to protect the user. For Type III ladder, the pail shelf and spreader may be combined in one unit (the so-called shelf-lock ladder).

((vii)) When measured along the front edge of the side rails, all stepladders shall measure within 3 inches of the specified length:

(viii) Where bucket shelves are provided, they shall be constructed to support a load of 25 pounds and shall be so fastened that they can be folded up when the ladder is closed.

(ix) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners:

(b) Type I industrial stepladder: (i) The minimum dimensions of the parts of the Type I stepladder shall be as shown in Table D-2 when made of Group 2 or Group 3 woods:

(A) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in WAC 296-24-78007(2)(a)(iv), and shall be increased when grooves of greater depth are used:

(ii) Steps shall be secured with at least two 6-d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 3/16 inch in diameter with standard commercial tolerances, which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and a truss block which shall be fitted between the rod and the center of each step; or by a metal angle brace on each end firmly secured to the steps and side rails, or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition, all steps 3 5/8 inches wide and 27 inches or more in overall length and all steps 4 1/4 inches wide and 32 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rail:

(iii) The back section shall be braced by one of the following methods:

(A) The back legs shall be braced with 1 1/8-inch diameter rungs of Group 1 woods (see Table D-5), or material of equivalent strength, having 7/8-inch diameter tenons or oval wood rungs, or rectangular wood rungs of equivalent strength, spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the leg, and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the rungs. The back legs shall be braced by a metal angle brace on each side, securely fastened to the rung and the back legs, one rung to be braced for each 4 feet of length or fraction thereof, on ladders 4 feet or more in length, with braces required only on the bottom rung for ladders that are 4 feet or shorter. Where rungs are more than 28 inches in length between the back legs they shall be provided

with center bearing consisting of a wood bar not less than 3/4 by 2 inches in a cross-section securely nailed to each rung passing through it and long enough to include each rung longer than 28 inches.

(B) The back leg shall be braced with horizontal wood bars of Group 1, 2, or 3 woods in Table D-5 and not less than 3/4 by 2 1/2 inches in cross-section, spaced not more than 12 inches apart. The ends of the bars shall fit into metal sockets of not less than 20-gauge (Manufacturers Standard) steel, or other material of equivalent strength, or into mortises of not less than one-eighth inch (tolerance of ± one-thirty-second inch) in depth in the back legs. A steel rod not less than 3/16 inch in diameter with standard commercial tolerance shall pass through the back legs, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent passing into the back legs. The back legs shall also be braced by a metal angle brace on each side, securely fastened to the bar and to the legs, one bar to be so braced for at least each 4 feet of length or fraction thereof, with braces required only on bottom bar for ladders that are 4 feet or shorter. Metal sockets when used shall be attached to the back legs by rivets or by means of a rod running through the socket or equivalent thereof:

(iv) The back legs shall be reinforced by a rivet through the depth of the leg above the hinge point, by metal plates or collars at the hinge point, or by other means suitable for preventing splitting of the back leg from the hinge pin to the top:

(c) Type II commercial stepladder: (i) The minimum dimensions of the parts of the Type II stepladder shall be as given in Table D-3 when made of Group 2 or Group 3 woods:

(A) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in (2)(a)(iv), and shall be increased when grooves of greater depth are used:

(ii) Steps shall be secured with at least two 6-d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 3/16 inch in diameter with standard commercial tolerances which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and a truss block shall be fitted between the truss rod and center of each step; or by a metal angle brace on each end firmly secured to the steps and side rails; or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition all steps 27 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rails:

(iii) The back legs shall be braced by one of the three following methods:

(A) With 7/8-inch diameter wood dowels of Group 1 woods (see Table D-5) or material of equivalent strength having not less than 5/8-inch tenons firmly secured in the back legs and spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the dowel. The shoulder of the dowel shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the dowel:

(aa) A bar connecting two or more of the dowels shall be provided on all ladders of 6 feet or more. The cross-sectional dimensions of the bar shall be the same as the cross-sectional dimensions of the back legs, and the dowels shall pass through holes at the centerline of the bar. The bar shall be attached at the center of the length of the lower two dowels on a 6-foot ladder and shall extend upward one dowel for each 2 feet of added length:

(B) With wood dowels as set forth in (2)(c)(iii)(A) of this section; plus an inverted V bracing of 3/4-inch by 1 1/2-inch material through which the dowels extend, the length of the V to extend two-thirds of the way up the back:

(C) With horizontal bracing of Group 1, 2, 3, or 4 woods (see Table D-5) not less than 3/4 by 2 inches in cross-section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard), steel, or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 3/16 inch in diameter with standard commercial tolerances which shall pass through the back legs, the bar, and, at each end, through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The spacing of such braces shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders, three

braces on 7- and 8-foot ladders, and four braces on 10- and 12-foot ladders. The bottom bar shall not be more than 18 inches from the bottom of the ladder, and, where only one bar is used, it shall be braced by a metal angle brace on each end securely attached to the bar and the back leg.

(d) Type III household stepladder. (i) The minimum dimensions of the parts of the Type III stepladder shall be as follows when made of Group 2 or Group 3 woods:

Length, 3 to 6 feet		
	Thickness (inch)	Depth (inches)
Side rails	3/4	2 1/2
Back legs	3/4	1 5/16
Steps	3/4	3
Top	3/4	5

The minimum thicknesses of side rails provide for the cutting of a groove one-eighth inch in depth with the tolerance indicated in WAC 296-24-78007(2)(a)(iv), and shall be increased when grooves of greater depth are used.

(ii) Steps shall be secured with at least one 6-d nail at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 3/16 inch in diameter with standard commercial tolerance which shall pass through metal washers of sufficient thickness and diameter to prevent pressing into the side rails, or by a metal brace at each end firmly secured to steps and side rails or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rail.

(iii) Back legs shall be braced by one of the two following methods or by construction of equivalent strength and safety:

(A) By diagonal slates of groups 1, 2, 3, or 4 wood (see Table D-5) not less than 5/16 by 1 1/4 inches securely fastened to the back legs by nails, screws, or the equivalent thereof.

(B) With horizontal bracing of Groups 1, 2, 3, or 4 wood (see Table D-5) not less than 5/8 by 1 5/8 inches in cross section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard) steel or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 3/16 inch in diameter with standard commercial tolerances which shall pass through the back leg, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into each leg. The spacing of such bars shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder.

(3)) (2) Portable rung ladders. Portable rung ladders as herein specified shall be of four types, as follows: single ladder; two-section extension ladder; section ladder; trestle and extension trestle ladder.

((a) General requirements. (i) The base or lower portion of a ladder may have either parallel sides or flared sides in accordance with commercial practice.

(ii) Rungs shall be parallel, level, and uniformly spaced. The spacing shall be not more than 12 inches, except as hereinafter specified:

TABLE D-2

DIMENSIONS FOR TYPE I STEP LADDER

	Length, 12 feet and less		Length, 14 and 16 feet		Length, 18 and 20 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails	3/4	3 1/4	3/4	3 1/2	1 1/16	3 1/2
Back legs	3/4	2 1/4	3/4	2 5/8	1 1/16	2 1/4
Steps	3/4	3 5/8	3/4	4 1/4	3/4	4 1/4
Fops	3/4	5 1/2	3/4	5 1/2	3/4	5 1/2

TABLE D-3

DIMENSIONS FOR TYPE II STEP LADDER

	Length, 3 to 8 feet		Length, 10 feet		Length, 12 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails	3/4	2 5/8	3/4	2 5/8	3/4	3
Back legs	3/4	1 5/8	3/4	1 3/4	3/4	2
Steps	3/4	3 1/2	3/4	3 1/2	3/4	3 5/8
Fops	3/4	5	3/4	5	3/4	5

(iii) All holes for wood rungs shall either extend through the side rails or be bored so as to give at least a thirteen-sixteenths-inch length of bearing to the rung tenon. In through-bored construction, the rungs shall extend at least flush with the outside rail surface. All holes shall be located on the center line of the wide face of the side rails and shall be of such size as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail or the equivalent thereof, for the sole purpose of preventing the turning of the rung and maintaining the rung position in the side rail. Ladders used with ladder jacks shall be a 3/16 inch metal tie rod immediately under each rung.

(iv) Round rungs shall be of Group 1 woods (see Table D-5), shall be not less than 1 1/8 inches in diameter for lengths over 36 inches between side rails and 1 1/4 inches in diameter for lengths over 36 up to and including 72 inches, and shall have not less than seven-eighths-inch diameter tenons, or rungs of equivalent strength and bearing shall be provided. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearing.

(v) Oval rungs or rungs of any other cross section may be used provided they are secured by a nail at each end or the equivalent thereof, and have at least the same strength and bearing as round rungs of the same length.

(vi) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(vii) The construction and assembly of the movable parts shall be such that they shall operate freely and securely without binding or unnecessary play.

(viii) When measured along the side rails, no rung ladder or section thereof shall be more than 4 inches shorter than the specified length.

(ix) Non-slip bases shall be securely bolted, riveted, or attached by equivalent construction to the side rails.

(x) Hooks shall be securely bolted or riveted to the side rails or equivalent construction and shall be of such dimensions as to withstand the loads imposed upon them.

(b)) (a) Single ladder. ((†)) Single ladders longer than 30 feet shall not be supplied.

((††) The minimum dimensions of the side rails of the single ladder shall be as follows when made of group 2 or group 3 woods:

Length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1 1/8	2 1/2
Over 16 up to and including 22	1 1/4	2 3/4
Over 22 up to and including 30	1 1/4	3

(iii) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in this WAC 296-24-78007(3)(b)(ii).

(iv) The width between the side rails at the base, inside to inside, shall be at least 11 1/2 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased at least one-fourth inch for each additional 2 feet of length.

(c)) (b) Two-section ladder. ((††)) Two-section extension ladders longer than 60 feet shall not be supplied. All ladders of this type shall consist of two sections, one to fit within the side rails of the other, and

arranged in such a manner that the upper section can be raised and lowered.

((iii)) The minimum dimensions of the side rails of the two-section extension ladder shall be not less than specified in Table D-4.

(iii) The minimum dimensions of side rails set forth in Table D-4 are based on the maximum working length, which is the size of ladder less the minimum overlap, which shall be as follows:

Size of ladder (feet)	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(iv) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in Table D-4.

(v) The minimum distance between side rails of the bottom section, inside to inside, shall be 14 1/2 inches on ladders up to and including 28 feet, 16 inches on all ladders over 28 feet up to and including 40 feet, 18 inches on all ladders over 40 feet.

(vi) Rungs. Rungs shall be of White Oak, Ash, Hickory, or wood of equivalent strength not less than 1 1/8 inches in diameter with at least a 7/8 inch diameter tenon. Where the distance between side rails is more than 28 inches rungs shall be supported in the center. Holes for wood rungs shall either extend through the side rails or be bored to give at least a 13/16 inch length of bearing to the rung tenon. In through-bored construction the rungs shall extend at least flush with the outside rail surface. Holes shall be located on the center line of the wide face of the side rails and shall be of such size as to be a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning. A 3/16 inch diameter tie rod shall be placed under each rung.

(vii) All locks and guide irons shall be of metal and shall be of such construction and strength as to develop the full strength of the side rails. All locks shall be positive in their action. The guide irons shall be securely attached and so placed as to prevent the upper section from tipping or falling out while raising, lowering, or in use.

(viii) Ladders of this type may be equipped with a rope and pulley, which shall be securely attached to the ladder in such manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1 1/4 inches in diameter.

(A) The rope used with the pulley shall be not less than five-sixteenths inch in diameter having a minimum breaking strength of 560 pounds, and shall be sufficient length for the purpose intended.

(d)) (c) Sectional ladder. ((i)) Assembled combinations of sectional ladders longer than lengths specified in (3)(d)(ii) shall not be used.

((ii)) The minimum dimensions of side rails shall be as follows for Group 2 or Group 3 woods:

Assembled length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 21	1 1/8	2 3/4
Over 21 up to and including 31	1 1/8	3 1/8

TABLE D-4

DIMENSIONS OF SIDE RAILS FOR TWO-SECTION LADDER

Size of ladder, overall length (feet)	Rail	
	Thickness (inches)	Depth (inches)

For group 2 woods

16	1 1/16	X	2
20	1 1/16	X	2 1/4

TABLE D-4

DIMENSIONS OF SIDE RAILS FOR TWO-SECTION LADDER

Size of ladder, overall length (feet)	Rail		
	Thickness (inches)	Depth (inches)	
24	1 1/16	X	2 1/2
28	1 1/16	X	2 3/4
32	1 1/8	X	2 3/4
36	1 5/16	X	2 3/4
40	1 5/16	X	2 3/4
44	1 5/16	X	3

For group 3 woods

16	1 1/8	X	2
20	1 1/8	X	2 1/4
24	1 1/8	X	2 1/2
28	1 1/8	X	2 3/4
32	1 5/16	X	2 3/4
36	1 5/16	X	3
40	1 3/8	X	3
44	1 3/8	X	3 1/4
48-52	1 3/8	X	3 3/4
56-60	1 5/8	X	3 3/4

((iii)) Ladders of this type shall have either straight sides slightly converging toward the top of each section, or shall have flaring sides at the bottom of the first (or bottom) section, with the top section having converging side rails to a width that shall be not less than 4 inches. Except for the top section, the minimum width between side rails shall be 11 inches.

(A) Adjacent sections shall be jointed by means of a groove in the bottom end of each rail of the upper of the two sections setting firmly over extensions outside the side rails, of the topmost rung of the next lower section and, at the same time, a groove in the top end of each rail of the lower of the two sections setting firmly over the bottom rung, inside the side rails, of the section next above.

(B) The distance between the two rungs (top-most rung of one section, bottom rung of the section next above) mentioned in WAC 296-24-78007(3)(d)(iii)(A) shall not be less than 1 foot.

(C) The fit between rail grooves and rungs mentioned in WAC 296-24-78007(3)(d)(iii)(A) shall be such as to provide a good fit without binding or unnecessary play.

(D) The grooved ends of the sections shall be reinforced with a metal plate of not less than 18-gauge (Manufacturing Standard) material properly secured thereto, and a rivet adjacent to the groove, extending through the depth of the rail, or the equivalent thereof.

(e)) (d) Trestle and extension trestle ladder. ((i)) Trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet shall not be supplied.

((ii)) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows for Group 2 or Group 3 woods:

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1 5/16	2 3/4
Over 16 up to and including 20	1 5/16	3

The minimum dimensions of the side rails of the extension section of the extension trestle ladder, which shall have parallel sides, shall be as follows for Group 2 or Group 3 woods:

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 12	1 5/16	2 1/4
Over 12 up to and including 16	1 5/16	2 1/2
Over 16 up to and including 20	1 5/16	2 3/4

(iii) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be at least 5 1/2 inches per foot of the length of the ladder.

(iv) The width between the side rails at the base of the trestle ladder and the base sections of the extension trestle ladder shall be at least 2 1/2 inches for all ladders and sections up to and including 6 feet. Longer lengths shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension sections of the trestle ladder shall be not less than 12 inches.

(v) The tops of the side rails of the trestle ladder and of the base section of the extension trestle ladder shall be beveled or equivalent construction, and shall be provided further with a metal hinge to prevent spreading.

(vi) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of all extension trestle ladders and all trestle ladders over 12 feet in length.

(vii) Rungs shall be parallel and level. On the trestle ladder, or on the base sections of the extension trestle ladder, rungs shall be spaced not less than 8 inches or more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches or more than 12 inches apart.

(viii) Rungs shall be of White Oak, Ash, Hickory, or wood of equivalent strength not less than 1 1/8 inches in diameter with at least a 7/8 inch diameter tenon. Where the distance between side rails is more than 28 inches rungs shall be supported in the center. Holes for wood rungs shall either extend through the side rails or be bored to give at least a 13/16 inch length of bearing to the rung tenon. In through-bored construction the rungs shall extend at least flush with the outside rail surface. Holes shall be located on the center line of the wide face of the side rails and shall be of such size as to be a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning. A 3/16 inch diameter tie rod shall be placed under each rung.

(4)) (3) Special-purpose ladders. All special-purpose ladders shall comply with the appropriate requirements of WAC 296-24-78007(1), (2), and (3), except as hereinafter modified in this subsection.

((a) Platform stepladder. A platform stepladder is a modification of a portable stepladder with a working platform provided near the top.

(i) Platform stepladders shall be made in accordance with the requirements of type I stepladders or in accordance with the requirements for type II stepladders.

(ii) The slope of the back section shall be such that a vertical from the back edge of the platform will strike the floor at a distance measured toward the front section of not less than 3 inches from the base of the back section.

(iii) The minimum width between side rails at the platform shall be not less than 15 inches.

(iv) The back legs and side rails shall extend at least 24 inches above the platform and shall be connected with a top member to form a three-sided rail, or equivalent construction shall be provided.

(v) Platforms shall be so constructed as to be capable of supporting a load of 200 pounds placed at any point on the platform.

(vi) A separate spreader may be omitted from platform ladders in which the height to the platform is 6 feet or less. If the spreader is omitted, the platform shall be so designed as to function as a spreader or locking device to hold the front and back sections securely in an open position, with the connection between side rails and back legs being through the metal parts of the platform. The wood parts of a combined wood and metal platform functioning as a spreader shall not be depended upon to contribute to the spreading or locking action.

(b)) (a) Painter's stepladder. ((f)) Painter's stepladders longer than 12 feet shall not be supplied.

((ii) Painter's stepladders shall be made in accordance with the requirements of type II stepladders except for the following:

(A) The top may be omitted.

(B) A rope spreader may be substituted for the metal spreader required in WAC 296-24-78007(2)(a)(vi). The rope shall not be less than No. 6 sash cord or its equivalent.

(c)) (b) Mason's ladder. A mason's ladder is a special type of single ladder intended for use in heavy construction work.

((f)) Mason's ladders longer than 40 feet shall not be supplied.

((ii) The minimum dimensions of the side rails when made of Group 2 or Group 3 woods and rungs (Group 1 woods) of the mason's ladder shall be as follows:

Length of ladder (feet)	Side rails		Diameter	
	Thickness (inches)	Depth (inches)	Rung (inches)	Tenon (inches)
Up to and including 22	1 5/8	3 5/8	1 3/8	1
Over 22 up to and including 40	1 5/8	4 1/2	1 3/8	1

(iii) The width between the side rails at the bottom rung, inside to inside, shall be not less than 12 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased by at least one-fourth inch for each additional 2 feet of length.

(iv) Rungs shall be parallel and level and shall be spaced not less than 8 inches or more than 12 inches apart.

(5)) (4) Trolley and side-rolling ladders. ((a)) Length. Trolley ladders and side-rolling ladders longer than 20 feet should not be supplied.

((b) Dimensions. The dimensions of the side rails shall not be less than the following for Group 2 or Group 3 woods:

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 10	3/4	3
Over 10 up to and including 20	3/4	3 3/4

The minimum thicknesses of side rails provide for the cutting of a groove not over one-eighth inch in depth and shall be increased when grooves of greater depth are used. Flat steps shall have the following minimum dimensions for Group 2 or Group 3 woods:

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 16	3/4	3
Over 16 up to and including 20	3/4	3 1/4
Over 20 up to and including 24	3/4	3 1/2
Over 24 up to and including 28	3/4	4

(c) Width. The width between the side rails, inside to inside, shall be at least 12 inches.

(d) Step attachment. Flat steps shall be inset in the side rails one-eighth inch and secured with at least two 6-d nails at each end or the equivalent thereof. They shall be reinforced with angle braces or a 3/16-inch steel rod.

(e) Locking device. Locking devices should be provided on all trolley ladders.

(f) Tracks. (i) Tracks shall be wood, or metal (excluding cast iron), or a combination of these materials.

(ii) Tracks for the top end of ladders shall be fastened securely and shall be so constructed that the wheels will not jump the track. Tracks shall be so designed as to provide for all probable loads to which they will be subjected.

(iii) The supports shall be securely fastened by the lag screws, machine, hook, or toggle bolts, or their equivalent.

(iv) Track for side-rolling ladders shall be supported by metal or wood brackets securely screwed or bolted to shelving or other permanent structure at not over 3 feet.

(g) Wheel carriages. (i) Wheel carriages shall be so designed as to provide for all loads to which they will be subjected. Two-point suspension should be used.

(ii) The wheel carriage for the top end of the ladder shall be securely fastened to the top of the ladder with metal brackets bolted either to the side rails or to the top step. When bolted to the top step, this step shall be secured to the side rails with metal braces in addition to those otherwise provided. The wheel carriage shall be so designed that a loose or broken wheel will not allow the ladder to drop or become detached from the track.

(iii) The wheel carriage for the bottom end of the ladder shall be securely fastened to the bottom of the ladder.

(iv) The wheels at the upper end of the ladder shall have minimum wheel base of 8 inches.

(v) When wheels are used at the bottom of the ladder, there shall be at least one wheel supporting each side rail.

(vi) Running gear for bottoms of both trolley and side-rolling ladders shall be so designed and constructed as to provide for any load to which they will be subjected.)

**AMENDATORY SECTION (Amending Order 79-9, filed 7/31/79)**

**WAC 296-24-78009 CARE AND USE OF LADDERS. (1) Care.** To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(a) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the moveable parts shall operate freely without binding or undue play.

(b) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(c) Frayed or badly worn rope shall be replaced.

(d) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(e) (~~Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.~~)

(f) (~~Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.~~)

(g) (~~Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.~~)

(h) (~~Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.~~)

(i) (~~Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.~~)

(j) (~~Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use".~~)

(k) (~~Rungs should be kept free of grease and oil.~~)

(2) Use. The following safety precautions shall be observed in connection with the use of ladders:

(a) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(b) Ladders for which dimensions are specified should not be used by more than one man at a time nor with ladder jacks and scaffold planks where use by more than one man is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured.

(c) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(d) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(e) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(f) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames.

(g) When ascending or descending, the user should face the ladder.

(h) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(i) Short ladders shall not be spliced together to provide long sections.

(j) Ladders made by fastening cleats across a single rail shall not be used.

(k) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes.

(l) Tops of the ordinary types of stepladders shall not be used as steps.

(m) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36 _____	3
Over 36 up to and including 48 _____	4
Over 48 up to and including 60 _____	5

(n) Portable rung ladders with reinforced rails (see WAC 296-24-78007(3)(iii) and (iv)) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor.

(o) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least 3 feet above the point of support, at eave, gutter, or roof line.

(p) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(q) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(r) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(s) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safety placing, lashing, or holding a ladder that is being used upon oily metal, concrete, or slippery surfaces.

(t) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(u) (~~When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.~~)

(v) (~~Stepladders shall not be used as single ladders.~~)

(w) (~~Separate ladders for ascending and descending shall be provided in building construction of more than 2 stories in height, or where traffic is heavy.~~)

(x) (~~Where one broad ladder is used, a center rail shall be provided, and each side plainly marked "up" and "down".~~)

(y) (~~Ladder rungs shall not be used to support more than 1 section of plank, and not more than 2 men shall work on such section of planking at one and the same time. When 2 men are working on the same section of plank, their work should be so arranged that their weight is equally distributed between 2 ladders as nearly as possible.~~)

(z) (~~When ladders are used of a length sufficient to possess a tendency to spring when weight is applied, they shall be provided with bracing to overcome same. This applies particularly to extension ladders.~~)

(aa) (~~Before climbing ladders, workmen shall see that their shoes are free and clean of greasy or slippery substances.~~)

(ab) (~~When working from a stepladder over 5 feet high a workman shall not stand on a step higher than the third step from the top of the stepladder.~~)

(ac) (~~Ladders shall not be placed or used in elevator shafts or hoistways except where used by workmen engaged in work within such shafts or hoistways, and then they shall be protected from objects falling from operations at higher elevations in or adjoining the shaft.~~)

((††)) (c) Workmen shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

((c1) Ladders shall pass the following test:

When tested as a simple beam with a support under each end and the center rung loaded with a 200 pound load, the ladder must support this load for 10 minutes without permanent set and without showing any sign of failure. The maximum deflection shall not be greater than shown in the enclosed table:

Lengths of extended ladder in feet	Distance of supports from ends, in inches	Total deflection, in inches
12	3	2 3/4
16	3	6 3/4
20	3	11 1/2
24	3	16 1/2
28	3	21 1/2
30	3	23 1/2
34	6	26
36	6	29
40	6	37
44	9	41

(f) When working from a ladder over 25 feet from the ground or floor, the ladder shall be secured at both top and bottom.

(g) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(h) Work such as sandblasting or spray painting, that requires wearing eye protection, respirators, and handling of pressure equipment, shall be limited to not over 30 feet from the ground or floor while working on a ladder.

TABLE D-5

CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDER

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (\*), and these should be preferred where resistance to decay is required:

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,150 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 10 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than 15 percent smaller if used edgewise (as in a rail) or 25 percent smaller if used flatwise (as in a tread):

White ash	Fraxinus americana, pennsylvanica, quadrangulata
Beech	Fagus grandifolia
Birch	Betula lenta, alleghaniensis, nigra (2)
Rock elm	Ulmus thomasii
Hickory	Carya ovata, laciniosa, tomentosa, glabra
Locust*	Robinia pseudoacacia, Gleditsia triacanthos
Hard maple	Acer nigrum, saccharum
Red maple	Acer rubrum (3)
Red oak	Quercus velutina, marilandica, kelloggii, falcata var. pagodacfolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, cocinea, shumardii, falcata, laevis, phellos
White oak	Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblongifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
Pecan	Carya illinoensis, cordiformis, myristiciformis (4), aquatica (4)
Persimmon	Diospyros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,000 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 7 1/2 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than 11 percent smaller if used edgewise (as in a rail) or 20 percent smaller if used flatwise (as in a tread):

Douglas fir (coast region)	Pseudotsuga menziesii
Western larch	Larix occidentalis
Southern yellow pine	Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,600 pounds per square inch:

Red alder	Alnus rubra, rhombifolia (2)
Oregon ash	Fraxinus latifolia
Pumpkin ash	Fraxinus profunda
Alaska cedar*	Chamaecyparis nootkatensis
Port-Orford cedar*	Chamaecyparis lawsoniana
Cucumber	Magnolia acuminata
Cypress*	Taxodium distichum
Soft elm	Ulmus americana, rubra
Douglas fir (Rocky Mountain type)	Pseudotsuga menziesii var. glauca
Noble fir	Abies procera
Gum	Liquidambar styraciflua
West coast hemlock	Tsuga heterophylla
Magnolia	Magnolia grandiflora
Oregon maple	Acer macrophyllum
Norway pine	Pinus resinosa
Poplar	Liriodendron tulipifera
Redwood*	Sequoia sempervirens
Eastern spruce	Picea glauca, rubens
Sitka spruce	Picea sitchensis
Sycamore	Platanus occidentalis
Tamarack	Larix laricina
Tupelo	Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,375 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least 5 percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least 7 1/2 percent greater if used edgewise (as in a rail) or 15 percent greater if used flatwise (as in a tread):

Aspen	Populus tremuloides, grandidentata
Basswood	Tilia americana, heterophylla (2)
Buckeye	Aesculus ostandra, glabra (2)
Butternut	Juglanscinerea
Incense cedar*	Libocedrus decurrens
Western red cedar*	Thuja plicata
Cottonwood	Populus balsamifera, deltoides, sargentii, heterophylla
White fir	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry	Celtis occidentalis, lacvigata (2)
Eastern hemlock	Tsuga canadensis
Holly	Ilex opaca
Soft maple	Acer saccharinum
Lodgepole pine	Pinus contorta
Idaho white pine	Pinus monticola
Northern white pine	Pinus strobus
Ponderosa pine	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine	Pinus lambertiana
Engelmann spruce	Picea engelmannii

NOTE 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the Superintendent of Documents, Washington D.C. 20225.

NOTE 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.

~~NOTE 3.—Included under soft maple in American Lumber Standards nomenclature.~~

~~NOTE 4.—This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.)~~

**AMENDATORY SECTION** (Amending Order 73-5, filed 5/9/73 and Order 73-4, filed 5/7/73)

**WAC 296-24-79503 REQUIREMENTS.** (1) General. Specific design and construction requirements are not part of this section because of the wide variety of metals and design possibilities. However, the design shall be such as to produce a ladder without structural defects or accident hazards such as sharp edges, burrs, etc. The metal selected shall be of sufficient strength to meet the test requirements, and shall be protected against corrosion unless inherently corrosion-resistant.

~~(a) ((Because of the varied conditions, and the wide variety of ladder uses, ladders may be designed with parallel side rails, with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base to increase stability.~~

~~(b) The design of the side rails shall be such as to insure a product which will conform to the requirements of this section.~~

~~(c)) The spacing of rungs or steps shall be on 12-inch centers.~~

~~((d) Rungs or steps to side rail connections should be so constructed as to insure rigidity as well as strength.~~

~~(e)) (b) Rungs and steps shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.~~

~~((f) Hardware shall meet strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion unless inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action.))~~

(2) General specifications—Straight and extension ladders.

(a) The minimum width between side rails of a straight ladder or any section of an extension ladder shall be 12 inches.

(b) The length of single ladders or individual sections of ladders shall not exceed 30 feet. Two-section ladders shall not exceed 48 feet in length and over two-section ladders shall not exceed 60 feet in length.

(c) Based on the nominal length of the ladder, each section of a multisection ladder shall overlap the adjacent section by at least the number of feet stated in the following:

	Overlap (feet)
Nominal length of ladder (feet):	
Up to and including 36 _____	3
Over 36, up to and including 48 _____	4
Over 48, up to 60 _____	5

(d) Extension ladders shall be equipped with positive stops which will insure the overlap specified in the table above.

~~((e) Extension ladders may be equipped with a rope and pulley which shall be securely attached to the ladder in such a manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1 1/4 inches in diameter.~~

~~(f) The rope used with the pulley shall be not less than five-sixteenths inch in diameter, having a minimum breaking strength of 560 pounds, and shall be of sufficient length for the purpose intended.))~~

(3) General specifications—Step ladders.

(a) ((Step ladders shall be designed and constructed to give a minimum slope of 3 1/2 inches per foot of length of the front section, and a minimum slope of 2 inches per foot of length of the back section, except that special ladders designed for straight-in-wall work shall maintain at least 1 1/4-inch back slope per foot of length.

~~(b) The minimum width between the side rails at the top step shall be 12 inches. The width spread of the side rails shall increase a minimum of 1 inch per foot of length. The width of the step or tread shall not be less than 3 inches.~~

~~(c)) The length of a stepladder is measured by the length of the front rail. To be classified as a standard length ladder, the measured length shall be within plus or minus one-half inch of the specified length. Stepladders shall not exceed 20 feet in length.~~

~~((d) The pail shelf shall be designed to fold completely within the ladder.~~

~~(e) The back section may be designed with either rungs or cross bracing as long as it meets the general and testing requirements.~~

~~(f) Steps shall be corrugated, knurled, dimpled, coated with skid-resistant materials, or otherwise treated to minimize the possibility of slipping.~~

~~(g)) (b) The bottoms of the four rails are to be supplied with insulating nonslip material.~~

~~((h)) (c) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each stepladder. The spreader shall have all sharp points or edges covered or removed.~~

~~(4) General specifications—Trestles and extension trestle ladders. ((a)) Trestle ladders or extension sections or base sections of extension trestle ladders shall be not more than 20 feet in length.~~

~~((b) The minimum distance between side rails of the trestle or extension section at the narrowest point shall not be less than 12 1/2 inches. The width spread shall not be less than 1 inch per foot of length of side rail.~~

~~(c) Spread of base when section is open shall not be less than 5 1/2 inches per foot of base section side rail.~~

~~(d) The extension locking device shall be designed to withstand all load tests.~~

~~(e) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each trestle ladder. The spreader shall have all sharp points or edges covered or removed.))~~

(5) General specifications—Platform ladders. ((a)) The length of a platform ladder shall not exceed 20 feet. The length of a platform ladder shall be measured along the front rail from the floor to the platform.

~~((b) Minimum width between side rails at platform level shall be 14 inches. Width spread shall not be less than 1 inch per foot of rise.~~

~~(c) Slope of the front rail when unit is in open position shall not be less than 3 1/2 inches per foot of rise, and the back section shall have a minimum slope of 1 inch per foot of rise.~~

~~(d) The platform shall be at least 20 inches from the top of the ladder, and shall have an area of not less than 200 square inches nor more than 400 square inches.~~

~~(e) The back legs and side rails of a platform ladder shall extend at least 20 inches above the platform and shall be connected with the top member to form a three-sided top guard rail, or equivalent construction shall be provided.~~

~~(f) Spreaders shall be provided where the hinging apparatus is not designed to lock the unit open.))~~

**AMENDATORY SECTION** (Amending Order 76-6, filed 3/1/76)

**WAC 296-24-79507 CARE AND MAINTENANCE AND USE OF LADDERS.** (1) General. To get maximum serviceability, safety, and to eliminate unnecessary damage of equipment, good safe practices in the use and care of ladder equipment shall be employed by the users.

The following rules and regulations are essential to the life of the equipment and the safety of the user.

(2) Care of ladders.

(a) ((Ladders shall be handled with care and not subject to unnecessary dropping, jarring, or misuse. (They are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.))

~~(b) Ladders shall be stored on racks designed to protect the ladder when not in use. The racks shall have sufficient supporting points to prevent any possibility of excessive sagging.~~

~~(c) Ladders transported on vehicles shall be properly supported. Supporting points shall be of a softer material, such as hardwood or rubber-covered iron pipe, to minimize the chafing and effects of road shock. (Tying the ladder to each support point will greatly reduce damage due to road shock.)~~

~~(d)) Ladders shall be maintained in good usable condition at all times. Hardware fittings and accessories shall be checked frequently and kept in good working condition.~~

~~((e)) (b) Ropes or cables shall be inspected frequently and replaced if defective.~~

~~((f)) (c) Complete ladder inspection shall be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:~~

~~(i) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.~~



(ii) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.

(iii) If ladders are to be subjected to certain acids or alkali solutions, a protective coating such as asphalt and varnish should be applied to the equipment.

(iv) If ladders are exposed to oil and grease, equipment should be cleaned of oil, grease, or slippery materials. This can easily be done with a solvent or steam cleaning.

((g)) (d) Ladders having defects are to be marked and taken out of service until repaired by either maintenance department or the manufacturer.

(3) Use of ladders.

(a) Portable nonself-supporting ladders shall be erected at a pitch of 75 1/2 degrees for maximum balance and strength. (A simple rule for setting up a ladder at the proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder.)

NOTE: Portable ladders are designed as a one-man working ladder based on a 200-pound load.

(b) Workmen shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(c) The ladder base section must be placed with a secure footing. Safety shoes of good substantial design should be installed on all ladders. Where ladders with no safety shoes or spikes are used on hard, slick surfaces, a foot-ladder board should be employed.

(d) The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load.

(e) When ascending or descending, the climber must face the ladder.

(f) Ladders must not be tied or fastened together to provide longer sections. They must be equipped with the hardware fittings necessary if the manufacturer endorses extended uses.

(g) Ladders should not be used as a brace, skid, guy or gin pole, gangway, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer.

(h) Users are cautioned to take proper safety measures when metal ladders are used in areas containing electric circuits to prevent short circuits or electrical shock. The ordinary precautions should be employed as would be used when using any other metal tool.

AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

WAC 296-24-87005 TYPE F POWERED PLATFORMS. (1)

Roof car, general.

(a) A roof car shall be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(b) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(2) Movement and positioning of roof car.

(a) Provision shall be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(b) The horizontal motion of the roof cars shall be positively controlled so as to insure proper movement and positioning of the roof car.

(c) Roof car positioning devices shall be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(d) Mechanical stops shall be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops shall be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(e) The operating device of a power-operated roof car for traversing shall be located on the roof car, the working platform, or both, and shall be of the continuous pressure weatherproof electric type. If more than one operating device is provided, they shall be so arranged that traversing is possible only from one operating device at a time.

(i) The operating device shall be so connected that it is not operable until:

(A) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(B) All protective devices and interlocks are in a position for traversing.

(3) Roof car stability. Roof car stability shall be determined by either WAC 296-24-87005(3)(a) or WAC 296-24-87005(3)(b) whichever is greater.

(a) The roof car shall be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(b) The roof car and its anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value shall include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load shall be included, and the design stresses shall not exceed those referred to in WAC 296-24-87003(3).

(c) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load, the motor shall stall.

(4) Access to the roof car. Safe access to the roof car and from the roof car to the working platform shall be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates shall be provided. Applicable provisions of the American National Standard Safety Requirements for Floor and Wall Openings, Railings and Toeboard, A12.1-1967, shall apply.

(5) Means for maintenance, repair, and storage. Means shall be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions shall be made to secure the machine in the stored position. (For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5.1.1 of ANSI A120.1-1970, American National Standards Safety Requirements for Powered Platforms for Exterior Building Maintenance.)

(6) General requirements for working platforms. The working platform shall be of girder or truss construction and shall be adequate to support its rated load under any position of loading, and comply with the provisions set forth in WAC 296-24-87003(3).

(7) Load rating plate. Each working platform shall bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates shall be made of noncorrosive material and shall have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures shall be one-fourth inch.

(8) Minimum size. The working platform shall have a minimum net width of 24 inches.

(9) Guard rails. Working platforms shall be furnished with permanent guard rails not less than 36 inches high, and not more than 42 inches high at the front (building side). At the rear, and on the sides, the rail shall not be less than 42 inches high. An intermediate guard-rail shall be provided around the entire platform between the top guardrail and the toeboard.

(10) Toeboards. A 4-inch toeboard shall be provided along all sides of the working platform.

(11) Open spaces between guardrails and toeboards. The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, shall be filled with metallic mesh or similar material that will reject a ball 1 inch in diameter. The installed mesh shall be capable of withstanding a load of 100 pounds applied horizontally over any area of 144 square inches. If the space between the platform and the building face does not exceed 8 inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(12) Flooring. The platform flooring shall be of the nonskid type, and if of open construction, shall reject a 9/16-inch diameter ball, or be provided with a screen below the floor to reject a 9/16 inch diameter ball.

(13) Access gates. Where access gates are provided, they shall be self-closing and self-locking.

(14) Operating device for vertical movement of the working platform.

(a) The normal operating device for the working platform shall be located on the working platform and shall be of the continuous pressure weatherproof electric type.

(b) The operating device shall be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service, and the roof car, if provided, is at an established operating point.

(15) Emergency electric operative device.



(a) In addition, on roof-powered platforms, an emergency electric operating device shall be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device shall be mounted in a locked compartment and shall have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

(b) A key for unlocking the compartment housing the emergency operating device shall be mounted in a break-glass receptacle located near the emergency operating device.

(16) Manual cranking for emergency operation. Emergency operation of the maindrive machine may be provided to allow manual cranking. This provision for manual operation shall be designed so that not more than two persons will be required to perform this operation. The access to this provision shall include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design shall be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(17) Arrangement and guarding of hoisting equipment.

(a) Hoisting equipment shall consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(b) The hoisting equipment shall be power-operated in both up and down directions.

(c) Guard or other protective devices shall be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(d) Friction devices or clutches shall not be used for connecting the main driving mechanism to the drum or drums. Belt- or chain-driven machines are prohibited.

(18) Hoisting motors.

(a) Hoisting motors shall be electric and of weatherproof construction.

(b) Hoisting motors shall be in conformance with applicable provisions of WAC 296-24-87005(22), Electrical wiring and equipment.

(c) Hoisting motors shall be directly connected to the hoisting machinery. Motor couplings, if used, shall be of steel construction.

(19) Brakes. The hoisting machine(s) shall have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(20) Hoisting ropes and rope connections.

(a) Working platforms shall be suspended by wire ropes of either 6x19 or 6x37 classification, preformed or nonpreformed.

(b) ~~((The minimum grade of the wire rope shall be improved plow steel. Ropes shall be fabricated of drawn galvanized or bright wire. Drawn galvanized wire rope shall be fabricated of individual wires on which the zinc coating has been applied at an intermediate size, and the wire then drawn to finished size and to the same tolerances and with the same mechanical properties as for uncoated wire of equal grade.~~

(c)) The minimum factor of safety shall be ten, and shall be calculated by the following formula:

$$F = \frac{S \times N}{W}$$

where

S = Manufacturer's rated breaking strength of one rope.

N = Number of ropes under load.

W = Maximum static load on all ropes with the platform and its rated load at any point of its travel.

((d)) (c) Hoisting ropes shall be sized to conform with the required factor of safety, but in no case shall the size be less than five-sixteenths-inch diameter.

((e)) (d) Winding drums shall have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

((f)) (e) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

((g)) (f) The nondrum ends of the hoisting ropes shall be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

((h)) (g) Reverse bends in rope arrangement should be avoided. More than two reverse bends in each rope is prohibited.

(21) Rope tag data. ((a)) A metal data tag shall be securely attached to one of the wire rope fastenings. This data tag shall bear the following wire rope data:

((i)) (a) The diameter in inches.

((ii)) (b) Construction classification.

((iii)) (c) Whether nonpreformed or preformed.

((iv)) (d) The grade of material used.

((v)) (e) The manufacturer's rated breaking strength.

((vi)) (f) Name of the manufacturer of the rope.

((vii) The month and year the ropes were installed.

((viii) Name of the person or firm who installed ropes.

(b) Noncorrosive metal data tags shall be used. The minimum height of the letters, stamped or etched, shall be one-sixteenth inch.

(c) A new tag shall be installed at each rope renewal. When ropes are refastened, the original tag shall be retained and a supplemental tag showing the date of refastening and the name of the person or firm who refastened the ropes shall be provided.)

(22) Electrical wiring and equipment.

(a) All electrical equipment and wiring shall conform to the requirements of the National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of 1968), except as modified by ANSI A120.1-1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance".

NOTE: For detail design specifications for electrical equipment, see Part 2, ANSI A120.1-1970.

(b) All motors and operation and control equipment shall be supplied from a single power source.

(c) The power supply for the powered platform shall be an independent circuit supplied through a fused disconnect switch.

(d) Electrical conductor parts of the power supply system shall be protected against accidental contact.

(e) Electrical grounding shall be provided.

(i) Provision for electrical grounding shall be included with the power-supply system.

(ii) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track system, and noncurrent carrying parts of electrical equipment, where provided, shall be grounded.

(iii) The controller, where used, shall be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(iv) Means shall be provided on the roof car and working platform for grounding portable electric tools.

(v) The working platform shall be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform shall be grounded.

(f) Electrical receptacles located on the roof or other exterior location shall be of a weatherproof type and shall be located so as not to be subject to contact with water or accumulated snow. The receptacles shall be grounded and the electric cable shall include a grounding conductor. The receptacle and plug shall be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision shall be made to prevent application of cable strain directly to the plug and receptacle.

(g) Electric runway conductor systems shall be of the type designed for use in exterior locations and shall be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting means shall conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1971; ANSI C1-1971 (Rev. of 1968). A grounded conductor shall parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system shall be designed to avoid hazard to persons in the area.

(h) Electrical protective devices and interlocks of the weatherproof type shall be provided.

(i) Where the installation includes a roof car, electric contact(s) shall be provided and so connected that the operating devices for the working platform shall be operative only when the roof car is located and mechanically retained at an established operating point.

(j) Where the powered platform includes a power-operated roof car, the operating device for the roof car shall be inoperative when the roof car is mechanically retained at an established operating point.

(k) An electric contact shall be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(l) An automatic overload device shall be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the

direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(m) An automatic device shall be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(n) Upper and lower directional limit devices shall be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(o) Operation of a directional limit device shall prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(p) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, shall incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(q) Final Terminal Stopping Devices of the Working Platform:

(i) Final terminal stopping devices for the working platform shall be provided as a secondary means of preventing the working platform from over-traveling at the terminals.

(ii) The device shall be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(iii) Operation of the final terminal stopping device shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(iv) The final terminal stopping device for the upper limit of travel shall be mounted so that it is operated directly by the motion of the working platform itself.

(r) Emergency stop switches shall be provided in or adjacent to each operating device.

(s) Emergency stop switches shall:

(i) Have red operating buttons or handles.

(ii) Be conspicuously and permanently marked "Stop".

(iii) Be the manually opened and manually closed type.

(iv) Be positively opened with the opening not solely dependent on springs.

(t) The manual operation of an emergency stop switch associated with an operating device for the working platform shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(u) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car shall cause the electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(23) Requirements for emergency communications.

(a) Communication equipment shall be provided for each powered platform for use in an emergency.

(b) Two-way communication shall be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(c) The equipment shall permit two-way voice communication between the working platform and

(i) Designated personnel continuously available while the powered platform is in use; and

(ii) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(d) The emergency communication equipment shall be one of the following types:

(i) Telephone connected to the central telephone exchange system; or

(ii) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

## REPEALER

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

(1) <u>WAC 296-24-13001</u>	ACCEPTABLE INDUSTRIAL DISPOSAL SYSTEMS.
(2) <u>WAC 296-24-13003</u>	PRIVY SPECIFICATIONS.
(3) <u>WAC 296-24-13005</u>	CHEMICAL TOILET SPECIFICATIONS.
(4) <u>WAC 296-24-13007</u>	SEEPAGE PIT CONSTRUCTION.
(5) <u>WAC 296-24-13009</u>	COMBUSTION TOILET.
(6) <u>WAC 296-24-13011</u>	RECIRCULATING TOILET SPECIFICATIONS.
(7) <u>WAC 296-24-13013</u>	PORTABLE TOILET CONSTRUCTION.
(8) <u>WAC 296-24-13503</u>	COLOR SPECIFICATIONS.
(9) <u>WAC 296-24-17001</u>	DEFINITIONS.
(10) <u>WAC 296-24-17003</u>	HEADING BOLT SAWING MACHINE.
(11) <u>WAC 296-24-17005</u>	BOLT, EQUALIZER, STAVE, AND HEADING SAWS (TILTING TABLE STYLE).
(12) <u>WAC 296-24-17007</u>	BARREL STAVE SAWS (CYLINDRICAL SAWS).
(13) <u>WAC 296-24-17009</u>	HAND-FED RIPSAWS.
(14) <u>WAC 296-24-17011</u>	SELF-FEED STAVE AND HEADING EQUALIZER SAWS.
(15) <u>WAC 296-24-17013</u>	STAVE AND HEADING PLANERS (SINGLE AND DOUBLE HEADS).
(16) <u>WAC 296-24-17015</u>	STAVE JOINTING MACHINES (WHEEL).
(17) <u>WAC 296-24-17017</u>	HEADING JOINTER AND DOWELER MACHINE (WHEEL).
(18) <u>WAC 296-24-17019</u>	HEADING ROUNDER.
(19) <u>WAC 296-24-17021</u>	POWER WINDLASS MACHINE.
(20) <u>WAC 296-24-17023</u>	CROZING MACHINE (STATIONARY HEADS).
(21) <u>WAC 296-24-17025</u>	HEADING-UP MACHINE.
(22) <u>WAC 296-24-17027</u>	HEAD CHARRING MACHINE.
(23) <u>WAC 296-24-17029</u>	BILGE TRUSS HOOP RING REMOVING MACHINE.
(24) <u>WAC 296-24-17031</u>	HOOP ELEVATORS AND CONVEYORS.
(25) <u>WAC 296-24-17033</u>	BARREL SANDING MACHINE.
(26) <u>WAC 296-24-17035</u>	HOOP DRIVERS AND TRUSSERS.
(27) <u>WAC 296-24-17037</u>	HEAD SANDING MACHINE.
(28) <u>WAC 296-24-17039</u>	HAND JOINTER.
(29) <u>WAC 296-24-17041</u>	HOOP PUNCHING AND COILING MACHINE.
(30) <u>WAC 296-24-17043</u>	HOOP RIVETING MACHINE.
(31) <u>WAC 296-24-17045</u>	HOOP FLARING AND EXPANDING MACHINE.
(32) <u>WAC 296-24-17047</u>	INSPECTION AND MAINTENANCE OF COOPERAGE MACHINERY.
(33) <u>WAC 296-24-20529</u>	DISK, SHIELD, AND "U" GUARDS.
(34) <u>WAC 296-24-60503</u>	FIRE DEPARTMENT CONNECTIONS.
(35) <u>WAC 296-24-66501</u>	TERMS.
(36) <u>WAC 296-24-68215</u>	PUBLIC EXHIBITIONS AND DEMONSTRATIONS.
(37) <u>WAC 296-24-69009</u>	HAZARDS AND PRECAUTIONS.
(38) <u>WAC 296-24-70005</u>	PROTECTIVE CLOTHING.
(39) <u>WAC 296-24-76523</u>	GENERAL.
(40) <u>WAC 296-24-79505</u>	TESTING.

## AMENDATORY SECTION (Amending Order 75-41, filed 12/19/75)

WAC 296-52-030 DEFINITIONS. Definitions as used in this chapter, unless a different meaning is plainly required by the context:

(1) "Attend" shall mean the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert and not engaged in activities which may divert his attention so that in case of an emergency he can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

(2) "Authorized," "approved" or "approval" shall be held to mean authorized, approved, or approval by the Department of Labor and Industries or other approving agency or individual as specified by the provisions of this chapter.

(3) "Blaster" shall be held to mean that qualified person in charge of and responsible for the loading and firing of a blaster.

(4) "Blasting agent" shall be held to mean and include any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

(5) "Day Box" shall denote a box which is not approved as a magazine for unattended storage of explosives. Such box may be used for storage of explosives during working hours on a job site, provided that it shall always be guarded against theft, particularly in inhabited areas, and shall either be attended, locked or secured against outright lifting, as the risk demands. Caps shall be safely separated from other explosives. Such day boxes shall be marked with the word "Explosives".

(6) "Dealer" shall be held to mean and include any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

(7) "Department" shall denote the Department of Labor and Industries.

(8) "Detonating Cord" (fuse) shall mean a round, flexible cord containing an explosive core which can be initiated with a blasting cap.

(9) "Detonator" shall mean a blasting cap, an electric blasting cap or a delay electric blasting cap.

(10) "Director" shall denote the Director of the Department of Labor and Industries, or his designated representative.

(11) "Division" shall denote the Division of Industrial Safety and Health of the Department.

(12) "Efficient artificial barricade" shall be held to mean an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the Department of Labor and Industries.

(13) "Explosive" or "explosives" whenever used in this chapter shall be held to mean and include any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as class A, class B, and class C explosives by the federal Department of Transportation(;;); PROVIDED, That for the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives. Classification of explosives shall include but not be limited to the following:

NOTE: Classification of explosives is described by the U.S. Department of Transportation as follows (see 49 CFR Chapter I):

- (i) Class A Explosives: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.
- (ii) Class B Explosives: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.
- (iii) Class C Explosives: (Including certain types of manufactured articles which contain class A or class B explosives, or both, as components but in restricted quantities) blasting caps in quantities of 1000 or less.

(14) "Explosive-actuated power devices" shall be held to mean any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

(15) "Explosives manufacturing building" shall be held to mean and include any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(16) "Explosives manufacturing plant" shall be held to mean and include all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which

any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

(17) "Factory building" shall denote the same as "Manufacturing Building".

(18) "Forbidden or not acceptable explosives" shall be held to mean and include explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal Department of Transportation.

(19) "Fuel" shall be held to mean and include a substance which may react with the oxygen in the air or with the oxygen yielded by an oxidizer to produce combustion.

(20) "Handling" shall denote any one or more of manufacturing, buying, selling, transporting, storing or using of explosives.

(21) "Handloader" shall be held to mean and include any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

(22) "Handloader components" means small arms ammunition, small arms ammunition primers, smoke-less powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

(23) "Highway" shall be held to mean and include any public street, public alley, or public road.

(24) (~~"Inhabited building" shall be held to mean and include only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.~~)

(25)) "Magazine" shall be held to mean and include any building or other structure, other than a factory building, used for the storage of explosives.

((26)) (25) "Motor vehicle" shall be held to mean and include any self-propelled automobile, truck, tractor, semi-trailer or full trailer, or other conveyance used for the transportation of freight.

((27)) (26) "Mudcap" shall be held to mean covering the required number of cartridges that have been laid on top of a boulder with a three or four inch layer of mud (free from rocks or other material which might constitute a missile hazard). Mudcapping is also commonly known as "bulldozing" and "dobyng".

((28)) (27) "Natural barricade" shall be held to mean and include any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

((29)) (28) "Oxidizer" shall be held to mean a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

((30)) (29) "Permanent magazines" shall denote magazines that are permanently fastened to a foundation and that are left unattended. The capacity of said permanent magazines shall not exceed the limits stated in RCW 70.74.040. Permanent magazines shall be approved and licensed.

((31)) (30) "Person" shall be held to mean and include any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

((32)) (31) "Person responsible", for an explosives magazine, shall mean the legal person who actually operates the magazine and who is responsible for the proper storage, protection and removal of the explosives. The responsible person may be the owner or the lessee or the authorized operator of the magazine.

((33)) (32) "Portable magazines" also called "Field" magazines shall denote magazines that are designed to be unattended and that are not permanently fastened to a foundation. Said magazines shall be so constructed or secured that they can not be readily lifted and carried away by unauthorized persons. The capacity of said portable magazines shall be limited to the amount of explosives required for efficient operation. Portable magazines shall be approved and licensed.

((34)) (33) "Possess" shall denote in this code the physical possession of explosives in one's hand, vehicle, magazine or building.

((35)) (34) "Primer" shall be held to mean a cartridge or container of explosives into which a detonator or detonating cord is inserted or attached and whose purpose is to initiate the main explosive charge.

((36)) (35) "Propellant-actuated power device" shall be held to mean and include any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

~~((37)) "Public conveyance" shall be held to mean and include any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.~~

((38)) (36) "Public utility transmission system" shall mean power transmission lines over 10 KV, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

((39)) (37) "Purchaser" shall be held to mean any person who buys, accepts, or receives any explosives or blasting agents.

((40)) (38) "Pyrotechnics" shall be held to mean and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

~~((41)) "Railroad" shall be held to mean and include any steam, electric, or other railroad which carries passengers for hire.~~

((42)) (39) "Railroad freight car" shall denote cars that are built for and loaded with explosives and operated in accordance with DOT rules.

((43)) (40) "Semiconductive hose" means a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

((44)) (41) "Shall" means that the rule establishes a minimum standard which is mandatory. The department welcomes better or higher standards than the minimums. If extenuating circumstances make even the minimum standard impractical, supporting evidence shall be submitted in writing to the department for review and granting of a variance in accordance with WAC 296-52-025.

((45)) (42) "Small arms ammunition" shall be held to mean and include any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

((46)) (43) "Small arms ammunition primers" shall be held to mean small percussion-sensitive explosive charges encased in a cup, used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

((47)) (44) "Smokeless propellants" shall be held to mean and include solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

((48)) (45) "Special industrial explosive devices" means explosive-actuated power devices and propellant-actuated power devices.

((49)) (46) "Special industrial explosives materials" means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include dynamite, trinitrotolvene (TNT), pentaerythritol tetranitrate (PETN), hexahydro-1, 3, 5-trinitro-s-triazine (RDX), and other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

((50)) (47) "Trailer" shall denote semi-trailers or full trailers as defined by DOT, that are built for and loaded with explosives and operated in accordance with DOT rules.

((51)) (48) "Unclassified explosives" shall be held to mean any two components which, when mixed become capable of detonation by a No. 6 test blasting cap.

((52)) (49) "User" shall be held to mean and include any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

((53)) (50) "Water gels or slurry explosives" comprise a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are:

(i) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder,

(ii) Those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

((54)) (51) "DOT specification" are regulations of the Department of Transportation published in 49 CFR Chapter I.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

##### WAC 296-52-043 USE OF EXPLOSIVES AND BLASTING AGENTS. (1) General provisions.

(a) While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall carry matches, open light or flame producing devices. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(b) Original containers or Class II magazines shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(c) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(d) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags, barricades, or woven wire mats to insure the safety of the general public and workmen.

(e) Blasting operations shall be conducted during daylight hours whenever possible.

(f) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the user (blaster) shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended item of such blasting. Verbal notice shall be confirmed with written notice.

(g) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(i) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(ii) The posting of signs, warning against the use of mobile radio transmitters, on all roads shall be in accordance with the applicable provisions of the American National Standards Institute D6.1-1971, Manual on Uniform Traffic Control Devices for Streets and Highways, as amended by Washington State Department of Highways Manual M24-01 (HT), (February 22, 1972).

(iii) Ensuring that mobile radio transmitters which are less than 100 feet away from electric blasting caps, when the caps are in other than original containers, shall be deenergized and effectively locked;

(iv) Compliance with the recommendations of The Institute of the Makers of Explosives (IME) with regard to blasting in the vicinity of radio transmitters as stipulated in Radio Frequency Energy—A Potential Hazard in the Use of Electric Blasting Caps, IME Publication No. 20, March 1971.

(v) When electric blasting caps are being used in blasting operations in the proximity of fixed radio transmitters, the following table of distances must be observed, unless it is determined by designated test procedures that there is not sufficient radio frequency energy present to create a hazard. The test procedure shall be to attach a No. 47 Radio Pilot Lamp in place of the cap in the blasting circuit progressively as the circuit is connected, starting with the initial hole. In the event the lamp glows, the length of the wires connecting the circuit shall be altered by adding or cutting off wire until the lamp does not glow. A radio frequency field strength meter may be used in lieu of the test lamp.

(A) Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances given below can be observed.

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
5-25	100
25-50	150
50-100	220
100-250	350
250-500	450

Transmitter Power Except FM Mobile (Watts)	Minimum Distance (Feet)
500-1,000	650
1,000-2,500	1,000
2,500-5,000	1,500
5,000-10,000	2,200
10,000-25,000	3,500
25,000-50,000	5,000
50,000-100,000	7,000

Transmitter Power FM Mobile (Watts)	Minimum Distance (Feet)
1-10	5
10-30	10
30-60	15
60-250	30

(vi) When necessary to perform blasting operations at distances less than those shown in table, detonating type fuse or other approved type systems shall be used.

(h) The employer shall permit only authorized and qualified persons to handle and use explosives.

(i) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives. Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(j) No fire shall be fought where the fire is in imminent danger of contact with explosives. All employees shall be removed to a safe area and the fire area guarded against intruders.

(k) Detonators shall be short-circuited in holes which have been primed and shunted until wired into the blasting circuit.

(l) Explosives shall not be handled near open flames, sparks or electric circuits.

(m) Delivery and issue of explosives shall only be made by and to authorized persons and into authorized magazines or approved temporary storage or handling area.

(n) All loading and firing shall be directed and supervised by licensed persons thoroughly experienced in this field.

(o) User (blaster) qualifications:

(i) A user (blaster) shall be able to understand given written and oral orders.

(ii) A user (blaster) shall be in good physical condition and not be addicted to narcotics, intoxicants, or similar types of drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others.

(iii) A user (blaster) shall be qualified by reason of training, knowledge, or experience, in the field of transporting, storing, handling, and use of explosives, and have a working knowledge of state and local laws and regulations which pertain to explosives.

(iv) User (blaster) shall be required to furnish satisfactory evidence of competency in handling explosives and performing in a safe manner the type of blasting that will be required.

(v) The user (blaster) shall be knowledgeable and competent in the use of each type of blasting method used.

(2) Storage at use sites.

(a) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(b) Containers of explosives shall not be opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(c) Should cartridges or packages of explosives show signs of discoloration or deterioration, the manufacturer or the Department shall be notified. Such explosives must be carefully set aside and must not be used.

(3) Loading of explosives or blasting agents.

(a) Procedures that permit safe and efficient loading shall be established before loading is started.

(b) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(c) Tamping shall be done only with wood rods or with approved plastic tamping poles without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. The primer shall never be tamped.

(d) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives and detonators shall be immediately returned to an authorized magazine.

(e) Drilling shall not be started until all remaining butts of old holes are examined for unexploded charges, and if any are found, they shall be refired before work proceeds.

(f) When a charge of explosives has been exploded in a bore hole to enlarge or "spring" it, an interval of at least two ((2)) hours must be allowed to pass before an additional charge of explosives can be loaded into the hole.

NOTE: Where it is necessary to clear obstacles for the moving of equipment there may be an exception made to this rule provided the sprung hole is thoroughly wet down with water before it is loaded.

(g) No person shall be allowed to deepen drill holes which have contained explosives or blasting agents.

(h) No explosives or blasting agents shall be left unattended at the blast site, unless properly stored.

(i) Users (blasters) shall not load, store or use explosives closer than the length of the steel being used for drilling and in no event nearer than ten feet of drilling operations.

(j) Machines and all tools not used for loading explosives into bore holes shall be removed from the immediate location of holes being loaded with explosives. Equipment shall not be operated within 50 feet of loaded holes except when equipment is needed to add burden or mats.

(k) No activity of any nature other than that which is required for loading holes with explosives shall be permitted in the blast area.

(l) Powerlines and portable electric cables for equipment being used shall be kept a safe distance from explosives or blasting agents being loaded into drill holes. Cables in the proximity of the blast area shall be deenergized and locked out.

(m) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(n) When loading a long line of holes with more than one loading crew, the crews shall be separated by practical distance consistent with efficient operation and supervision of crews.

(o) No explosives for underground operations other than those in Fume Class 1, as set forth by the Institute of Makers of Explosives, shall be used; however, explosives complying with the requirements of Fume Class 2 and Fume Class 3 may be used if adequate ventilation has been provided.

(p) Warning signs, indicating a blast area, shall be maintained at all approaches to the blast area. The warning sign lettering shall not be less than 4 inches in height on a contrasting background.

(q) A bore hole shall never be sprung when it is adjacent to or near a hole that is loaded. Flashlight batteries shall not be used for springing holes.

(r) Drill holes which have been sprung or chambered, and which are not water-filled, shall be allowed to cool before explosives are loaded.

(s) No loaded holes shall be left unattended.

(t) The user (blaster) shall keep an accurate, up-to-date record of explosives, blasting agents, and blasting supplies used in a blast and shall keep an accurate running inventory of all explosives and blasting agents stored on the operation.

(u) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(4) Initiation of explosive charges - electric blasting.

(a) ((Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous.)) Blasting cap leg wires shall be kept short-circuited (shunted) until they are connected into the circuit for firing.

(b) Before adopting any system of electrical firing, the user (blaster) shall conduct a thorough survey for extraneous currents, and all dangerous currents shall be eliminated before any holes are loaded.

(c) In any single blast using electric blasting caps, all caps shall be of the same style or function, and of the same manufacture.

(d) Electric blasting shall be carried out by using blasting circuits or power circuits in accordance with the electric blasting cap manufacturer's recommendations.

(e) The firing line shall be checked with a blasting galvanometer equipped with a silver chloride cell or other approved systems, especially designed for this purpose, before being connected to firing line.

(f) The circuit including all caps shall be tested with a blasting galvanometer equipped with a silver chloride cell or other approved systems, especially designed for this purpose, before being connected to firing line.

(g) When firing a circuit of electric blasting caps, care shall be exercised to ensure that an adequate quantity of delivered current is available, in accordance with the manufacturer's recommendations.

(h) Connecting wires and lead wires shall be insulated single solid wires of sufficient current-carrying capacity, and shall not be less than twenty ((20)) gauge (American Wire gauge) solid core insulated wire.

(i) Firing line or leading wires shall be solid single wires of sufficient current-carrying capacity, and shall be not less than fourteen ((14)) gauge (American Wire gauge) solid core insulated wire. Bus wires - depends on the size of the blast, fourteen ((14)) gauge (American Wire gauge) copper is recommended.

(j) The ends of lead wires which are to be connected to a firing device shall be shorted by twisting them together or otherwise connecting them before they are connected to the leg wires or connecting wires, and they shall be kept in the possession of the person who is doing the loading until loading is completed and the leg wires attached. Lead wires shall not be attached to the firing device until the blaster is ready to fire the shot and must be attached by the user (blaster) themselves.

(k) The ends of the leg wires on electric detonators shall be shorted in a similar manner and not separated until all holes are loaded and the loader is ready to connect the leg wires to the connecting wires or lead wires.

(l) When firing electrically, the insulation on all firing lines shall be adequate and in good condition.

(m) A power circuit used for firing electric blasting caps shall not be grounded.

(n) In underground operations when firing from a power circuit, a safety switch shall be placed at intervals in the permanent firing line. This switch shall be made so it can be locked only in the "Off" position and shall be provided with a short-circuiting arrangement of the firing lines to the cap circuit.

(o) In underground operations there shall be a "lightning" gap of at least 5 feet in the firing system ahead of the main firing switch; that is, between this switch and the source of power. This gap shall be bridged by a flexible jumper cord just before firing the blast.

(p) When firing from a power circuit, the firing switch shall be locked in the open or "Off" position at all times, except when firing. It shall be so designed that the firing lines to the cap circuit are automatically short-circuited when the switch is in the "Off" position. Keys to this switch shall be entrusted only to the user (blaster).

(q) Blasting machines shall be in good condition and the efficiency of the machine shall be tested periodically to make certain that it can deliver power at its rated capacity.

(r) When firing with blasting machines, the connections shall be made as recommended by the manufacturer of the electric blasting caps used.

(s) The number of electric blasting caps connected to a blasting machine shall not be in excess of its rated capacity. Furthermore, in primary blasting, a series circuit shall contain no more caps than the limits recommended by the manufacturer of the electric blasting caps in use.

(t) The user (blaster) shall be in charge of the blasting machines, and no other person shall connect the leading wires to the machine.

(u) Users (blasters), when testing circuits to charged holes, shall use only blasting galvanometers equipped with a silver chloride cell or other approved systems, especially designed for this purpose.

(v) Whenever the possibility exists that a leading line or blasting wire might be thrown over a live powerline by the force of an explosion, care shall be taken to see that the total length of wires are kept too short to hit the lines, or that the wires are securely anchored to the ground. If neither of these requirements can be satisfied, a nonelectric system shall be used.

(w) In electrical firing, only the person making leading wire connections shall fire the shot. All connections shall be made from the bore

hole back to the source of firing current, and the leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(x) After firing an electric blast from a blasting machine, the leading wires shall be immediately disconnected from the machine and short-circuited.

(y) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes.

(5) Use of safety fuse.

(a) A fuse that is deteriorated or damaged in any way shall not be used.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and disposed of or properly stored.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) Capping of fuse and making of primers shall only be done in a place selected for this purpose and at least one hundred ((100)) feet distant from any storage magazine.

(h) Fuse must be cut long enough to reach beyond the collar of the bore hole and in no case less than three ((3)) feet long except that a fuse not less than eighteen ((18)) inches long may be used for choker holes where not more than one ((1)) stick or cartridge of explosives is used.

(i) At least two persons shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is prohibited.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

(n) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all workers concerned with blasting. No fuse shall be used that burns faster than one foot ((1)) in thirty seconds or slower than one foot ((1)) in fifty-five seconds.

(o) For use in wet places the joint between the cap and fuse shall be waterproofed with a compound prepared for this purpose.

(p) In making up primers only nonsparking skewers shall be used for punching the hole in the cartridge to insert the capped fuse.

(q) Only sufficient primers for one day's use shall be made up at one time. They shall be stored in a box type magazine in which no other explosives are stored.

(r) Any loose cartridges of explosives, detonators, primers and capped fuse unused at the end of the shift shall be returned to their respective magazines and locked up.

(6) Use of detonating cord.

(a) Care shall be taken to select a detonating cord consistent with the type and physical condition of the bore hole and stemming and the type of explosives used.

(b) Detonating cord shall be handled and used with the same respect and care given other explosives.

(c) For quantity and distance purposes detonating fuse up to 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier cord loads should be rated proportionately.

(d) If using a detonating type cord for blasting the double-trunk-line or loop systems shall be used.

(e) Trunk lines in multiple-row blasts shall make one or more complete loops, with crossies between loops at intervals of not over two hundred feet ((200)).



(f) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunk lines.

(g) The line of detonating cord extending out of a bore hole or from a charge shall be cut from the supply spool before loading the remainder of the bore hole or placing additional charges.

(h) Detonating cord shall be handled and used with care to avoid damaging or severing the cord during and after loading and hooking-up.

(i) Detonating cord connections shall be competent and positive in accordance with approved and recommended methods. Knot-type or other cord-to-cord connections shall be made only with detonating cord in which the explosive core is dry.

(j) All detonating cord trunklines and branchlines shall be free of loops, sharp kinks, or angles that direct the cord back toward the on-coming line of detonation.

(k) All detonating cord connections shall be inspected before firing the blast.

(l) When detonating cord millisecond-delay connectors or short-interval-delay electric blasting caps are used with detonating cord, the practice shall conform strictly to the manufacturer's recommendations.

(m) When connecting a blasting cap or an electric blasting cap to detonating cord, the cap shall be taped or otherwise attached securely along the side or the end of the detonating cord, with the end of the cap containing the explosive charge pointed in the direction in which the detonation is to proceed.

(n) Detonators for firing the trunkline shall not be brought to the loading area nor attached to the detonating cord until everything else is in readiness for the blast.

**(7) Firing the blast.**

(a) A code of blasting signals equivalent to Table T-1 shall be posted on one or more conspicuous places at the operation, and all employees shall be required to familiarize themselves with the code and conform to it. Danger signs shall be placed at suitable locations.

(b) All charges shall be covered with blasting mats before firing, where blasting may cause injury or damage by flying rock or debris.

(c) Before a blast is fired, a loud warning signal shall be given by the blaster in charge, who has made certain that all surplus explosives are in a safe place and all employees, vehicles, and equipment are at a safe distance, or under sufficient cover.

(d) Flagmen shall be safely stationed on highways which pass through the danger zone so as to stop traffic during blasting operations.

(e) It shall be the duty of the blaster to fix the time of blasting.

(f) Before firing an underground blast, warning shall be given, and all possible entries into the blasting area, and any entrances to any working place where a drift, raise, or other opening is about to hole through, shall be carefully guarded. The blaster shall make sure that all employees are out of the blast area before firing a blast.

**TABLE T-1**

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<b>WARNING SIGNAL</b>	— A 1-minute series of long blasts 5 minutes prior to blast signal.
<b>BLAST SIGNAL</b>	— A series of short blasts 1 minute prior to the shot.
<b>ALL CLEAR SIGNAL</b>	— A prolonged blast following the inspection of blast area.

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**(8) Inspection after blasting.**

(a) Immediately after the blast has been fired, the firing line shall be disconnected from the blasting machine, or where power switches are used, they shall be locked open or in the off position.

(b) Sufficient time shall be allowed, for the smoke and fumes to leave the blasted area before returning to the shot. An inspection of the area and the surrounding rubble shall be made by the user (blaster) to determine if all charges have been exploded before employees are allowed to return to the operation, and in tunnels, after the muck pile has been wetted down.

**(9) Misfires.**

(a) If a misfire is found, the user (blaster) shall provide proper safeguards for excluding all employees from the danger zone.

(b) No other work shall be done except that necessary to remove the hazard of the misfire and only those employees necessary to do the work shall remain in the danger zone.

(c) No attempt shall be made to extract explosives from any charged or misfired hole; a new primer shall be put in and the hole re-blasted. If re-firing of the misfired hole presents a hazard, the explosives

may be removed by washing out with water or, where the misfire is under water, blown out with air.

(d) If there are any misfires while using cap and fuse, all employees shall remain away from the charge for at least one hour. Misfires shall be handled under the direction of the person in charge of the blasting.

(e) When electric blasting caps have been used, workers shall not return to misfired holes for at least thirty minutes. All wires shall be carefully traced and a search made for unexploded charges.

(f) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one shall return to the hole until the danger has passed, but in no case within one hour.

(g) No drilling, digging, or picking shall be permitted until all missed holes have been detonated or the authorized representative has approved that work can proceed.

**(10) Underwater blasting.**

(a) A user (blaster) shall conduct all blasting operations.

(b) Loading tubes and castings of dissimilar metals shall not be used because of possible electric transient currents from galvanic action of the metals and water.

(c) Only water-resistant blasting caps and detonating cords shall be used for all underwater blasting. Loading shall be done through a non-sparking metal loading tube when tube is necessary.

(d) No blast shall be fired while any vessel under way is closer than 1,500 feet to the blasting area. Those on board vessels or craft moored or anchored within 1,500 feet shall be notified before a blast is fired.

(e) No blast shall be fired while any swimming or diving operations are in progress in the vicinity of the blasting area. If such operations are in progress, signals and arrangements shall be agreed upon to assure that no blast shall be fired while any persons are in the water.

(f) Blasting flags shall be displayed.

(g) The storage and handling of explosives aboard vessels used in underwater blasting operations shall be according to provisions outlined herein on handling and storing explosives.

(h) When more than one charge is placed under water, a float device shall be attached to an element of each charge in such manner that it will be released by the firing. Misfires shall be handled in accordance with the requirements of WAC 296-52-043(9).

**(11) Blasting in excavation work in pressurized air locks.**

(a) Detonators and explosives shall not be stored or kept in tunnels, shafts, or caissons. Detonators and explosives for each round shall be taken directly from the magazines to the blasting zone and immediately loaded. Detonators and explosives left over after loading a round shall be removed from the working chamber before the connecting wires are connected up.

(b) When detonators or explosives are brought into an air lock, no employee except the powderman, user (blaster), lock tender and the employees necessary for carrying, shall be permitted to enter the air lock. No other material, supplies, or equipment shall be locked through with the explosives.

(c) Detonators and explosives shall be taken separately into pressure working chambers.

(d) The user (blaster) or powderman shall be responsible for the receipt, unloading, storage, and on-site transportation of explosives and detonators.

(e) All metal pipes, rails, air locks, and steel tunnel lining shall be electrically bonded together and grounded at or near the portal or shaft, and such pipes and rails shall be cross-bonded together at not less than 1,000-foot intervals throughout the length of the tunnel. In addition, each air supply pipe shall be grounded at its delivery end.

(f) The explosives suitable for use in wet holes shall be water-resistant and shall be Fume Class 1, or other approved explosives.

(g) When tunnel excavation in rock face is approaching mixed face, and when tunnel excavation is in mixed face, blasting shall be performed with light charges and with light burden on each hole. Advance drilling shall be performed as tunnel excavation in rock face approaches mixed face, to determine the general nature and extent of rock cover and the remaining distance ahead to soft ground as excavation advances.

(12) **Vibration and damage control.** ((a)) Blasting operations in or adjacent to cofferdams, piers, underwater structures, buildings, structures, or other facilities shall be carefully planned with full consideration for all forces and conditions involved.

(13) Black blasting powder shall not be used for blasting except when a desired result cannot be obtained with another type of explosive such as in quarrying certain types of dimension stone.

(14) In the use of black blasting powder:

(a) Containers shall not be opened in, or within fifty ~~((50'))~~ feet of any magazine; within any building in which a fuel-fired or exposed-element electric heater is in operation; where electrical or incandescent-particle sparks could result in powder ignition; or within fifty ~~((50'))~~ feet of any open flame.

(b) Granular powder shall be transferred from containers only by pouring.

(c) Spills of granular powder shall be cleaned up promptly with nonsparking equipment, contaminated powder shall be put into a container of water and its content disposed of promptly after the granules have disintegrated, or the spill area shall be flushed with a copious amount of water to completely disintegrate the granules.

(d) Containers of powder shall be kept securely closed at all times other than when the powder is being transferred from or into a container.

(e) Containers of powder transported by vehicles shall be in a wholly enclosed cargo space.

(f) Misfires shall be disposed of by:

(i) Washing the stemming and powder charge from the bore hole, and

(ii) Removal and disposal of the initiator as a damaged explosive.

(iii) Bore holes of shots that fire but fail to break, or fail to break promptly, shall not be recharged for at least twelve hours.

**AMENDATORY SECTION** (Amending Order 75-41, filed 12/19/75)

**WAC 296-52-050 TRANSPORTATION.** (1) This section covers the transportation of explosives or blasting agents on vehicles not exempted under RCW 70.74.191.

(a) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(b) ~~((Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers.))~~ Explosives shall not be carried on any vehicle while vehicle is being used to transport workers other than driver and two ~~((2))~~ persons.

(c) Explosives shall not be transferred from one vehicle to another within the confines of any jurisdiction (city, county, state, or other area) without informing the fire and police departments thereof. In the event of breakdown or collision the local fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another, only when proper and qualified supervision is provided.

(d) Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives.

**(2) Transportation vehicles.**

(a) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moisture-proof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(b) Every vehicle used for transporting explosives and oxidizing materials listed in (i) of this subdivision shall be marked as follows:

(i) Exterior markings or placards required on applicable vehicles shall be as follows for the various classes of commodities:

Commodity	Type of marking or placard
Explosives, Class A, any quantity or a combination of Class A and Class B explosives.	Explosives A (Red letters on white background).
Explosives, Class B, any quantity.	Explosives B (Red letters on white background).
Oxidizing material (blasting agents, ammonium nitrate, etc.), 1,000 pounds or more gross weight.	Oxidizers (Yellow letters on black background).

(ii) ~~((Each marking or placard shall consist of letters not less than 4 inches high, in the color specified, using approximately a 5/8-inch stroke. The placard must be larger than the lettering required thereon by at least one inch at the top and bottom sides. Such marking or placard described in subdivision (i) shall be contained in an area on the vehicle which has no other marking, lettering, or graphic display, for at least 3 inches in each direction.~~

~~((iii))~~ Such markings or placards shall be displayed at the front, rear, and on each side of the motor vehicle or trailer, or other cargo carrying body while it contains explosives or other dangerous articles of such type and in such quantity as specified in (i) of this subdivision. The front marking or placard may be displayed on the front of either the truck, truck body, truck tractor or the trailer.

~~((iv))~~ (iii) Any motor vehicle, trailer, or other cargo-carrying body containing more than one kind of explosive as well as an oxidizing material requiring a placard under the provisions of subdivision (i), the aggregate gross weight of which totals 1,000 pounds or more, shall be marked or placarded "Dangerous" as well as "Explosive A" or "Explosive B" as appropriate. If explosives Class A and explosives Class B are loaded on the same vehicle, the "Explosives B" marking need not be displayed.

~~((v))~~ (iv) In any combination of two or more vehicles containing explosives or other dangerous articles each vehicle shall be marked or placarded as to its contents and in accordance with (i) and ~~((iii))~~ (ii) of this subdivision.

(c) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10-BC.

(i) Only extinguishers listed or approved by Underwriters Laboratories, Inc., or the Factory Mutual Engineering Corp. shall be deemed suitable for use on explosives-carrying vehicles.

(ii) Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguishers shall be examined periodically by a competent person.

(d) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(i) Fire extinguishers shall be filled and in working order.

(ii) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(iii) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(iv) Fuel tank and feedline shall be secure and have no leaks.

(v) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(vi) Tires shall be checked for proper inflation and defects.

(vii) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

**(3) Operation of transportation vehicles.**

(a) Vehicles transporting explosives shall only be driven by and be in the charge of a driver who is ~~((not less than 21 years of age, physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs. This rule does not apply to persons taking prescription drugs and/or narcotics as directed by a physician providing such use shall not endanger the worker or others. They shall be))~~ familiar with the traffic regulations, State laws, and the provisions of this section.

(b) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any ~~((bridge, tunnel, dwelling, building, or))~~ place where people work ~~((; congregate, or assemble)).~~

(c) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(i) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and



not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier, shipper, or consignee, or except for necessary absence from the vehicle to obtain food or to provide for their physical comfort.

(ii) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area properly barricaded with all gates or entrances locked where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(d) No spark-producing metal, spark-producing tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(e) Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities such routes shall be followed.

(f) Delivery shall only be made to authorized persons and into authorized magazines of authorized temporary storage or handling area.

(4) Explosives at piers, railway stations, and cars or vessels not otherwise specified in this standard.

(a) Railway cars. Except in an emergency and with permission of the local authority, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the U.S. Department of Transportation Regulations for the Transportation of Explosives, 49 CFR Chapter I.

(b) Packing and marking. No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the U.S. Department of Transportation Regulations for the Transportation of Explosives.

(c) Marking cars. Every railway car containing explosives which has reached its destination, or is stopped in transit so as no longer to be in interstate commerce, shall have attached to both sides and ends of the car, cards with the words "Explosives—Handle Carefully—Keep Fire Away" in red letters at least 1-1/2 inches high on a white background.

(d) Storage. Any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination, shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

(e) Hours of transfer. Explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal between the hours of sunset and sunrise. (RCW 70.74.020, 70.74.160, 70.74.191, 70.74.320, 70.74.340 and 70.74.350 apply.)

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

**WAC 296-52-165 BLASTING AGENTS.** (1) General. Unless otherwise set forth in this section, blasting agents, excluding water gels, shall be transported, stored, and used in the same manner as explosives. Water gels are covered in WAC 296-52-167.

##### (2) Fixed location mixing.

(a) ~~((Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-21. In determining the distance separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in Table H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced-blast effects:~~

~~((b)) Buildings used for the mixing of blasting agents shall conform to the requirements of this section.~~

~~(i) Buildings shall be of non-combustible construction or sheet metal on wood studs.~~

~~(ii) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.~~

~~(iii) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.~~

~~(iv) The building shall be well ventilated.~~

~~(v) Heating units which do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be located outside the mixing building.~~

(vi) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

~~((c))~~ (b) Equipment used for mixing blasting agents shall conform to the requirements of this subdivision.

(i) The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially confinement. All bearings and drive assemblies shall be mounted outside the mixer and protected against the accumulation of dust. All surfaces shall be accessible for cleaning.

(ii) Mixing and packaging equipment shall be constructed of materials compatible with the fuel-ammonium nitrate composition.

(iii) Suitable means shall be provided to prevent the flow of fuel oil to the mixer in case of fire. In gravity flow systems an automatic spring-loaded shutoff valve with fusible link shall be installed.

~~((d))~~ (c) The provisions of this subdivision shall be considered when determining blasting agent compositions.

(i) The sensitivity of the blasting agent shall be determined by means of a No. 8 test blasting cap at regular intervals and after every change in formulation.

(ii) Oxidizers of small particle size, such as crushed ammonium nitrate prills or fines, may be more sensitive than coarser products and shall, therefore, be handled with greater care.

(iii) No hydrocarbon liquid fuel with flashpoint lower than that of No. 2 diesel fuel oil 125°F. minimum shall be used.

(iv) Crude oil and crankcase oil shall not be used.

(v) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weather-tight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(vi) Peroxides and chlorates shall not be used.

~~((e))~~ (d) All electrical switches, controls, motors, and lights located in the mixing room shall conform to the requirements in WAC 296-24-950 through WAC 296-24-955; otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

~~((f))~~ (e) Safety precautions at mixing plants shall include the requirements of this subdivision.

(i) Floors shall be constructed so as to eliminate floor drains and piping into which molten materials could flow and be confined in case of fire.

(ii) The floors and equipment of the mixing and packaging room shall be cleaned regularly and thoroughly to prevent accumulation of oxidizers or fuels and other sensitizers.

(iii) The entire mixing and packaging plant shall be cleaned regularly and thoroughly to prevent excessive accumulation of dust.

(iv) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(v) The land surrounding the mixing plant shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(vi) Empty ammonium nitrate bags shall be disposed of daily in a safe manner.

(vii) No welding shall be permitted or open flames used in or around the mixing or storage area of the plant unless the equipment or area has been completely washed down and all oxidizer material removed.

(viii) Before welding or repairs to hollow shafts, all oxidizer material shall be removed from the outside and inside of the shaft and the shaft vented with a minimum one-half inch diameter opening.

(ix) Explosives shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

##### (3) Bulk delivery and mixing vehicles.

(a) The provisions of this subsection shall apply to off-highway private operations as well as to all public highway movements.

(b) A bulk vehicle body for delivering and mixing blasting agents shall conform with the requirements of this subdivision (b).

(i) The body shall be constructed of noncombustible materials.

(ii) Vehicles used to transport bulk premixed blasting agents on public highways shall have closed bodies.

(iii) All moving parts of the mixing system shall be designed as to prevent a heat buildup. Shafts or axles which contact the product shall have outboard bearings with 1-inch minimum clearance between the

bearings and the outside of the product container. Particular attention shall be given to the clearances on all moving parts.

(iv) A bulk delivery vehicle shall be strong enough to carry the load without difficulty and be in good mechanical condition.

(c) Operation of bulk delivery vehicles shall conform to the requirements of WAC 296-52-050(2)(b). These include the placarding requirements as specified by Department of Transportation.

(i) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The employer shall assure that the operator is familiar with the commodities being delivered and the general procedure for handling emergency situations.

(ii) The hauling of either blasting caps or other explosives but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers: see 49 CFR Chapter I.

(iii) No person shall smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing transfer or down-the-hole loading of blasting agents at or near the blasting site.

(iv) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall assure that the driver, in moving the vehicle, has assistance of a second person to guide the driver's movements.

(v) No intransit mixing of materials shall be performed.

(d) Pneumatic loading from bulk delivery vehicles into blastholes primed with electric blasting caps or other static-sensitive systems shall conform to the requirements of this subdivision.

(i) A positive grounding device shall be used to prevent the accumulation of static electricity.

(ii) A discharge hose shall be used that has a resistance range that will prevent conducting stray currents, but that is conductive enough to bleed off static buildup.

(iii) A qualified person shall evaluate all systems to determine if they will adequately dissipate static under potential field conditions.

(e) Repairs to bulk delivery vehicles shall conform to the requirements of this section.

(i) No welding or open flames shall be used on or around any part of the delivery equipment unless it has been completely washed down and all oxidizer material removed.

(ii) Before welding or making repairs to hollow shafts, the shaft shall be thoroughly cleaned inside and out and vented with a minimum one-half-inch diameter opening.

(4) Bulk storage bins.

(a) The bin, including supports, shall be constructed of compatible materials, waterproof, and adequately supported and braced to withstand the combination of all loads including impact forces arising from product movement within the bin and accidental vehicle contact with the support legs.

(b) The bin discharge gate shall be designed to provide a closure tight enough to prevent leakage of the stored product. Provision shall also be made so that the gate can be locked.

(c) Bin loading manways or access hatches shall be hinged or otherwise attached to the bin and be designed to permit locking.

(d) Any electrically driven conveyors for loading or unloading bins shall conform to the requirements of WAC 296-24-950 through WAC 296-24-955. They shall be designed to minimize damage from corrosion.

(e) Bins containing blasting agent shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H-21 and separation from other blasting agent storage and explosives storage shall be in conformity with Table H-22.

(f) Bins containing ammonium nitrate shall be separated from blasting agent storage and explosives storage in conformity with Table H-22.

TABLE H-22  
TABLE OF RECOMMENDED SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS<sup>1 6</sup>

Donor weight		Minimum separation distance of receptor when barricaded <sup>2</sup> (ft.)		Minimum thickness of artificial barricades <sup>5</sup> (in.)
Pounds over	Pounds not over	Ammonium nitrate <sup>3</sup>	Blasting agent <sup>4</sup>	
	100	3	11	12
	300	4	14	12
	600	5	18	12
	1,000	6	22	12
	1,600	7	25	12
	2,000	8	29	12
	3,000	9	32	15
	4,000	10	36	15
	6,000	11	40	15
	8,000	12	43	20
	10,000	13	47	20
	12,000	14	50	20
	16,000	15	54	25
	20,000	16	58	25
	25,000	18	65	25
	30,000	19	68	30
	35,000	20	72	30
	40,000	21	76	30
	45,000	22	79	35
	50,000	23	83	35
	55,000	24	86	35
	60,000	25	90	35
	70,000	26	94	40
	80,000	28	101	40
	90,000	30	108	40
	100,000	32	115	40
	120,000	34	122	50
	140,000	37	133	50
	160,000	40	144	50
	180,000	44	158	50
	200,000	48	173	50
	220,000	52	187	60
	250,000	56	202	60
	275,000	60	216	60
	300,000	64	230	60

Notes to Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents:

NOTE 1. These distances apply to the separation of stores only. Table H-21 shall be used in determining separation distances from inhabited buildings, passenger railways, and public highways.

NOTE 2. When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor". Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances, and barricade thicknesses in excess of those prescribed in Table H-21 are not required.

NOTE 3. The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute\*; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons. (\*Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1964.)

NOTE 4. These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

NOTE 5. Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures

which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

NOTE 6. When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at one-half its actual weight because its blast effect is lower.

NOTE 7. Guide to use of table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

- (a) Sketch location of all potential donor and acceptor materials together with the maximum mass of material to be allowed in that vicinity. (Potential donors are high explosives, blasting agents, and combination of masses of detonating materials. Potential acceptors are high explosives, blasting agents, and ammonium nitrate.)
- (b) Consider separately each donor mass in combination with each acceptor mass. If the masses are closer than table allowance (distances measured between nearest edges), the combination of masses becomes a new potential donor of weight equal to the total mass. When individual masses are considered as donors, distances to potential acceptors shall be measured between edges. When combined masses within propagating distance of each other are considered as a donor, the appropriate distance to the edge of potential acceptors shall be computed as a weighted distance from the combined masses:

- (i) Calculation of weighted distance from combined masses:

Let  $M_2, M_3 \dots M_n$  be donor masses to be combined.

$M_1$  is a potential acceptor mass.

$D_{12}$  is distance from  $M_1$  to  $M_2$  (edge to edge).

$D_{13}$  is distance from  $M_1$  to  $M_3$  (edge to edge), etc.

To find weighted distance [ $D_{1(2,3 \dots n)}$ ] from combined masses to  $M_1$ , add the products of the individual masses and distances and divide the total by the sum of the masses thus:

$$D_{1(2,3 \dots j)} = \frac{M_2 \times D_{12} \times D_{13} \dots + M_n \times D_{1n}}{M_2 + M_3 \dots + M_n}$$

Propagation is possible if either an individual donor mass is less than the tabulated distance from an acceptor or a combined mass is less than the weighted distance from an acceptor.

- (c) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in the Table) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects. In applying Table H-21 to distances from highways, railroads, and inhabited buildings, distances are measured from the nearest edge of potentially explodable material as prescribed in Table H-21, Note 4.
- (d) When all or part of a potential acceptor comprises Explosives Class A as defined in DOT regulations, storage in bullet-resistant magazines is required. Safe distances to stores in bullet-resistant magazines may be obtained from the intermagazine distances prescribed in Table H-21.
- (e) Barricades must not have line-of-sight openings between potential donors and acceptors which permit blast or missiles to move directly between masses.
- (f) Good housekeeping practices shall be maintained around any bin containing ammonium nitrate or blasting agent. This includes keeping weeds and other combustible materials cleared within 25 feet of such bin. Accumulation of spilled product on the ground shall be prevented.

- (5) Storage of blasting agents and supplies.

(a) Blasting agents and oxidizers used for mixing of blasting agents shall be stored in the manner set forth in this subsection.

(i) Blasting agents or ammonium nitrate, when stored in conjunction with explosives, shall be stored in the manner set forth in WAC 296-52-090(1)(a) for explosives. The mass of blasting agents and one-half the mass of ammonium nitrate shall be included when computing the total quantity of explosives for determining distance requirements.

(ii) Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in WAC 296-52-090(4)(a) or in one-story warehouses (without basements) which shall be:

- (A) Noncombustible or fire resistive;  
 (B) Constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire;  
 (C) Weather resistant;  
 (D) Well ventilated; and  
 (E) Equipped with a strong door kept securely locked except when open for business.

(iii) Semitrailer or full-trailer vans used for highway or onsite transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with ((~~Table H-21 with respect to inhabited buildings, passenger railways, and public highways and according to~~) Table H-22 with respect to one another. Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

(b) Warehouses used for the storage of blasting agents separate from explosives shall be located as set forth in this subdivision.

(i) Warehouses used for the storage of blasting agents shall be located in accordance with ((~~the provisions of Table H-21 with respect to inhabited buildings, passenger railways, and public highways, and according to~~) Table H-22 with respect to one another.

(ii) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed in Table H-21, one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quantity of explosives for determining the proper distance.

(c) Smoking, matches, open flames, spark producing devices, and firearms are prohibited inside of or within 50 feet of any warehouse used for the storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents.

(d) The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire resistive separation of not less than 1 hour resistance. The provisions of this subdivision shall not prohibit the storage of blasting agents together with non-explosive blasting supplies.

(e) Piles of ammonium nitrate and warehouses containing ammonium nitrate shall be adequately separated from readily combustible fuels.

(f) Caked oxidizers, either in bags or in bulk, shall not be loosened by blasting.

(g) Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 21 years of age.

(6) Transportation of packaged blasting agents.

(a) When blasting agents are transported in the same vehicle with explosives, all of the requirements of WAC 296-52-050 shall be complied with.

(b) Vehicles transporting blasting agents shall only be ((~~driver at least twenty-one (21) years of age who is capable, careful, reliable, and~~) driven by and be in charge of a driver in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the States vehicle and traffic laws.

(c) No matches, firearms, acids, or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(d) No person shall be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants, narcotics, or other dangerous drugs.

(e) ((~~It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.~~

(f)) Vehicles transporting blasting agents shall be in safe operating condition at all times.

~~((g))~~ When offering blasting agents for transportation on public highways the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of DOT.

~~(h)~~ Vehicles used for transporting blasting agents on public highways shall be placarded in accordance with DOT regulations.)

(7) Use of blasting agents. Persons using blasting agents shall comply with all of the applicable provisions of WAC 296-52-043.

**AMENDATORY SECTION** (Amending Order 75-41, filed 12/19/75)

**WAC 296-52-167 WATER GEL (SLURRY) EXPLOSIVES AND BLASTING AGENTS.** (1) General provisions. Unless otherwise set forth in this section, water gels shall be transported, stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

(2) Types and classifications.

(a) Water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for "explosives" in this section, except as noted in subdivision (d).

(b) Water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in WAC 296-52-030 under Blasting Agent shall be classified as an explosive and manufactured, transported, stored and used as specified for "explosives" in this section.

(c) Water gels containing no substance in itself classified an explosive and which are not cap-sensitive as defined in WAC 296-52-030 under Blasting Agent shall be classified as blasting agents and manufactured, transported, stored, and used as specified for "blasting agents" in this section.

(d) When tests on specific formulations of water gels result in Department of Transportation classification as a Class B explosive, bullet-resistant magazines are not required, see WAC 296-52-090(4)(a).

(3) Fixed location mixing.

~~(a)((i))~~ Buildings or other facilities used for mixing water gels shall be located with respect to inhabited buildings, passenger railroads and public highways, in accordance with Table H-21.

~~(ii)~~ In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses that may propagate (i.e., lie at distances less than prescribed in Table H-22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects.

~~(b))~~ Buildings used for the mixing of water gels shall conform to the requirements of this subdivision.

(i) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(ii) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(iii) Where fuel oil is used all fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(iv) The building shall be well ventilated. Heating units that do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside of the mixing building.

(v) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

~~((e))~~ (b) Ingredients of water gels shall conform to the requirements of this subdivision.

(i) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with WAC 296-52-095.

(ii) Nitrate-water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(iii) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weather-tight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(iv) Ingredients shall not be stored with incompatible materials.

(v) Peroxides and chlorates shall not be used.

~~((d))~~ (c) Mixing equipment shall comply with the requirements of this subdivision.

(i) The design of the processing equipment, including mixing and conveying equipment, shall be compatible with the relative sensitivity of the materials being handled. Equipment shall be designed to minimize the possibility of frictional heating, compaction, overloading, and confinement.

(ii) Both equipment and handling procedures shall be designed to prevent the introduction of foreign objects or materials.

(iii) Mixers, pumps, valves, and related equipment shall be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(iv) All electrical equipment including wiring, switches, controls, motors, and lights, shall conform to the requirements of WAC 296-24-950 through WAC 296-24-955.

(v) All electric motors and generators shall be provided with suitable overload protection devices. Electrical generators, motors, proportioning devices, and all other electrical enclosures shall be electrically bonded. The grounding conductor to all such electrical equipment shall be effectively bonded to the service-entrance ground connection and to all equipment ground connections in a manner so as to provide a continuous path to ground.

~~((e))~~ (d) Mixing facilities shall comply with the fire prevention requirements of this subdivision.

(i) The mixing, loading, and ingredient transfer areas where residues or spilled materials may accumulate shall be cleaned periodically. A cleaning and collection system for dangerous residues shall be provided.

(ii) A daily visual inspection shall be made of the mixing, conveying, and electrical equipment to establish that such equipment is in good operating condition. A program of systematic maintenance shall be conducted on regular schedule.

(iii) Heaters which are not dependent on the combustion process within the heating unit may be used within the confines of processing buildings, or compartments, if provided with temperature and safety controls and located away from combustible materials and the finished product.

(4) Bulk delivery and mixing vehicles.

(a) The design of vehicles shall comply with the requirements of this subdivision.

(i) Vehicles used over public highways for the bulk transportation of water gels or of ingredients classified as dangerous commodities, shall meet the requirements of the Department of Transportation and shall meet the requirements of WAC 296-52-050 and WAC 296-52-165 of this section.

(ii) When electric power is supplied by a self-contained motor generator located on the vehicle the generator shall be at a point separate from where the water gel is discharged.

(iii) The design of processing equipment and general requirements shall conform to subsection (3)(c) and (d).

(iv) A positive action parking brake which will set the wheel brakes on at least one axle shall be provided on vehicles when equipped with air brakes and shall be used during bulk delivery operations. Wheel chocks shall supplement parking brakes whenever conditions may require.

(b) Operation of bulk delivery and mixing vehicles shall comply with the requirements of this subdivision.

(i) The placarding requirements contained in DOT regulations apply to vehicles carrying water gel explosives or blasting agents.

(ii) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The operator shall be familiar with the commodities being delivered and the general procedure for handling emergency situations.

(iii) The hauling of either blasting caps or other explosives, but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be DOT-specified shipping containers; see 49 CFR Chapter I.

(iv) No person shall be allowed to smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing, transfer, or down-the-hole loading of water gels at or near the blasting site.

(v) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall furnish the driver the assistance of a second person to guide the driver's movements.

- (vi) No intransit mixing of materials shall be performed.
- (vii) The location chosen for water gel or ingredient transfer from a support vehicle into the bore hole loading vehicle shall be away from the blasthole site when the bore holes are loaded or in the process of being loaded.

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

##### WAC 296-52-190 DEALER'S LICENSE. (RCW 70.74.130 and 70.74.230, apply.)

(1) The application for a dealer's license to buy explosives for the sole purpose of resale shall be made by a form substantially similar to that shown in Figure 5, of this code.

(2) The license shall be renewable annually, not later than the anniversary date.

(3) A dealer's record of all explosives purchased and sold as defined in RCW 70.74.010, shall be kept on file and a copy transmitted not later than the tenth (~~((+10th))~~) of every month to the department, by means of a form substantially similar to that shown in Figure 7, of this code.

(4) The purchaser's license number shall be stated on said dealer's record, and the signature of the person authorized by the purchaser to physically receive the explosives.

(5) All explosives containers received by a dealer for storage, sale or use in the state of Washington, shall be stamped immediately with the said dealer's name and address.

~~((6) Display. No person shall sell, display or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way or public place.))~~

#### AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)

##### WAC 296-52-390 STORAGE OF AMMONIUM NITRATE.

###### (1) Scope and definitions.

(a) Except as provided in subdivision (d) of this section applies to the storage of ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing 60 percent or more ammonium nitrate by weight but does not apply to blasting.

(b) This section does not apply to the transportation of ammonium nitrate.

(c) This section does not apply to storage under the jurisdiction of and in compliance with the regulations of the U.S. Coast Guard (see 46 CFR Parts 146-149).

(d) The storage of ammonium nitrate and ammonium nitrate mixtures that are more sensitive than allowed by the "Definition of Test Procedures for Ammonium Nitrate Fertilizer" is prohibited.

(e) Nothing in this section shall apply to the production of ammonium nitrate or to the storage of ammonium nitrate on the premises of the producing plant, provided that no distinct undue hazard to the public is created.

~~(f) ((The definition and test procedures for ammonium nitrate fertilizer are those found in the bulletin, "Definition and Test Procedures for Ammonium Nitrate Fertilizer", available from the National Plant Food Institute, 1700 K Street N.W., Washington, D.C. 20006. This definition limits the contents of organic materials, metals, sulfur, etc., in a product that may be classified ammonium nitrate fertilizer.))~~

~~(g))~~ The standards for ammonium nitrate (nitrous oxide grade) are those found in the "Specifications, Properties, and Recommendations for Packaging, Transportation, Storage, and Use of Ammonium Nitrate", available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

###### (2) General provisions.

(a) This subsection applies to all persons storing, having, or keeping ammonium nitrate, and to the owner or lessee of any building, premises, or structure in which ammonium nitrate is stored in quantities of 1,000 pounds or more.

(b) Approval of large quantity storage shall be subject to due consideration of the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings shall not have basements unless the basements are open on at least one side. Storage buildings shall not be over one story in height.

(d) Storage buildings shall have adequate ventilation or be of a construction that will be self-ventilating in the event of fire.

(e) The wall on the exposed side of a storage building within 50 feet of a combustible building, forest, piles of combustible materials and similar exposure hazards shall be of fire-resistive construction. In lieu

of the fire-resistive wall, other suitable means of exposure protection such as a free standing wall may be used. The roof coverings shall be class C or better, as defined in Roof Coverings, NFPA 203-1970.

(f) All flooring in storage and handling areas, shall be of noncombustible material or protected against impregnation by ammonium nitrate and shall be without open drains, taps, tunnels, pits, or pockets into which any molten ammonium nitrate could flow and be confined in the event of fire.

(g) The continued use of an existing storage building or structure not in strict conformity with this section may be approved in cases where such continued use will not constitute a hazard to life or adjoining property.

(h) Buildings and structures shall be dry and free from water seepage through the roof, walls, and floors.

(3) Storage of ammonium nitrate in bags, drums, or other containers.

(a) Bags and containers used for ammonium nitrate must comply with specifications and standards required for use in interstate commerce (see 49 CFR Chapter I).

(b) Containers used on the premises in the actual manufacturing or processing need not comply with provisions of (3)(a).

(c) Containers of ammonium nitrate shall not be accepted for storage when the temperature of the ammonium nitrate exceeds 130°F.

(d) Bags of ammonium nitrate shall not be stored within 30 inches of the storage building walls and partitions.

(e) The height of piles shall not exceed 20 feet. The width of piles shall not exceed 20 feet and the length 50 feet except that where the building is of noncombustible construction or is protected by automatic sprinklers the length of piles shall not be limited. In no case shall the ammonium nitrate be stacked closer than 36 inches below the roof or supporting and spreader beams overhead.

(f) Aisles shall be provided to separate piles by a clear space of not less than 3 feet in width. At least one service or main aisle in the storage area shall be not less than 4 feet in width.

(4) Storage of bulk ammonium nitrate.

(a) Warehouses shall have adequate ventilation or be capable of adequate ventilation in case of fire.

(b) Unless constructed of noncombustible material or unless adequate facilities for fighting a roof fire are available, bulk storage structures shall not exceed a height of 40 feet.

(c) Bins shall be clean and free of materials which may contaminate ammonium nitrate.

(d) Due to the corrosive and reactive properties of ammonium nitrate, and to avoid contamination, galvanized iron, copper, lead, and zinc shall not be used in a bin construction unless suitably protected. Aluminum bins and wooden bins protected against impregnation by ammonium nitrate are permissible. The partitions dividing the ammonium nitrate storage from other products which would contaminate the ammonium nitrate shall be of tight construction.

(e) The ammonium nitrate storage bins or piles shall be clearly identified by signs reading "Ammonium Nitrate" with letters at least 2 inches high.

(f) Piles or bins shall be so sized and arranged that all material in the pile is moved out periodically in order to minimize possible caking of the stored ammonium nitrate.

(g) Height or depth of piles shall be limited by the pressure-setting tendency of the product. However, in no case shall the ammonium nitrate be piled higher at any point than 36 inches below the roof or supporting and spreader beams overhead.

(h) Ammonium nitrate shall not be accepted for storage when the temperature of the product exceeds 130°F.

(i) Dynamite, other explosives, and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

###### (5) Contaminants.

(a) Ammonium nitrate shall be in a separate building or shall be separated by approved type firewalls of not less than 1 hour fire-resistance rating from storage or organic chemicals, acids, or other corrosive materials, materials that may require blasting during processing or handling, compressed flammable gases, flammable and combustible materials or other contaminating substances, including but not limited to animal fats, baled cotton, baled rags, baled scrap paper, bleaching power, burlap or cotton bags, caustic soda, coal, coke, charcoal, cork, camphor, excelsior, fibers of any kind, fish oils, fish meal, foam rubber, hay, lubricating oil, linseed oil, or other oxidizable or drying oils, naphthalene, oakum, oiled clothing, oiled paper, oiled textiles, paint, straw, sawdust, wood shavings, or vegetable oils. Walls referred to in this subdivision need extend only to the underside of the roof.

(b) In lieu of separation walls, ammonium nitrate may be separated from the materials referred to in item (a) of this subdivision by a space of at least 30 feet.

(c) Flammable liquids such as gasoline, kerosene, solvents, and light fuel oils shall not be stored on the premises except when such storage conforms to WAC 296-24-330, and when walls and sills or curbs are provided in accordance with items (a) or (b) of this subdivision.

(d) LP-Gas shall not be stored on the premises except when such storage conforms to WAC 296-24-475.

(e) Sulfur and finely divided metals shall not be stored in the same building with ammonium nitrate except when such storage conforms to chapter 296-52 WAC.

(f) Explosives and blasting agents shall not be stored in the same building with ammonium nitrate except on the premises of makers, distributors, and user-compounders of explosives or blasting agents.

(g) Where explosives or blasting agents are stored in separate buildings, other than on the premises of makers, distributors, and user-compounders of explosives or blasting agents, they shall be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 of WAC 296-52-165, but by not less than 50 feet.

(h) Storage and/or operations on the premises of makers, distributors, and user-compounders of explosives or blasting agents shall be in conformity with chapter 296-52 WAC.

(6) General precautions.

(a) Electrical installations shall conform to the requirements of chapter 296-46 WAC for ordinary locations. They shall be designed to minimize damage from corrosion.

(b) In areas where lightning storms are prevalent, lightning protection shall be provided. (See the Lightning Protection code, NFPA 78-1968.)

(c) Provisions shall be made to prevent unauthorized personnel from entering the ammonium nitrate storage area.

(7) Fire protection.

(a) Not more than 2,500 tons of bagged ammonium nitrate shall be stored in a building or structure not equipped with an automatic sprinkler system. Sprinkler systems shall be of approved type and installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1969.

(b) Suitable fire control devices such as small hose or portable extinguishers shall be provided throughout the warehouse and in the loading and unloading areas. See the Standard for the Installation of Portable Fire Extinguishers, NFPA 10-1970, and Standard for the Installation of Standpipe and Hose Systems, NFPA 14-1970.

(c) Water supplies and fire hydrants shall be available in accordance with recognized good practices.

**AMENDATORY SECTION (Amending Order 76-7, filed 3/1 76)**

**WAC 296-54-45001 PULPWOOD LOGGING.** (1) Application.

(a) General. This section applies to pulpwood logging operations including, but not limited to the operations of felling, limbing, marking, bucking, loading, skidding, prehauling and other operations associated with the preparation and movement of pulpwood timber from the stump to the point of delivery. The provisions of this section do not apply to logging operations relating to sawlogs, veneer bolts, poles, piling and other forest products.

(b) Standards incorporated by reference. Standards covering issues of occupational safety and health which are of general application without regard to any specific industry are incorporated by reference in subsections of this section and made applicable to pulpwood logging.

(2) Definitions applicable to this section.

(a) "Arch" means an extension to rear section of a vehicle used in skidding used to raise the forward part of a load clear of the ground.

(b) "Back cut" means the final cut in a felling operation made on the opposite side from the undercut.

(c) "Backfill" means excavated material used to build up a road higher than the original level.

(d) "Ballistic nylon" means a fabric of high tensile properties designed to provide protection from lacerations.

(e) "Borrow" means road construction material which is taken to another location for use. The source area is called "borrow pit".

(f) "Buck" means the process of severing a tree into sections (logs or bolts).

(g) "Choker" means a length of wire rope or chain with a loop or noose at one end used to secure trees or sections of trees for skidding.

(h) "Debark" means the action of removing bark from trees or sections of trees. Debark generally denotes mechanical means as opposed to manual peeling. Synonyms are "bark" and "barking".

(i) "Fairlead" means an arrangement of horizontal, and sometimes vertical, rollers usually mounted at the end of an arch to allow free play of wire rope during winching.

(j) "Fell" means the process of severing a tree from the stump so that it drops to the ground. Note that "fell" and "feller" are used in this standard. The terms "fall" and "faller" are commonly used in the Western United States and they have the same meaning as "fell" and "feller".

(k) "Grade" means the slope of a surface such as a roadway. Also, the elevation of a real or planned surface or structure. (See slope.)

(l) "Guarded" means protected by a cover, shield, rail, or other device, or by location, so as to reduce the probability of injury.

(m) "Guyline" means a line used to stay or support spar trees, booms, etc.

(n) "Landing" means any area where wood is concentrated. It is also called "yard," "deck," "brow."

(o) "Lodged tree" means a tree that has not fallen to the ground after being partly or wholly separated from its stump or otherwise displaced from its natural position.

(p) "Pickaroon" means a device with a head similar to an axe but with a point rather than a blade mounted on the end of a handle which is used to assist in the lifting and placement of bolts of wood.

(q) "Prehaul" means the hauling of forest products by off-the-road vehicles, nonhighway transport, or other movement prior to highway or rail movement, where the pulpwood travels clear of the ground. The term "forward" has the same meaning.

(r) "Pulpwood" means portions of a tree cut into short (normally 4 ft.) lengths to facilitate hand handling. It is intended to be used in the making of pulp rather than any lumber or veneer type finished product.

(s) "Riprap" means rock, metal stripping, or wooden timbers used to contain and stabilize earth embankments and fills.

(t) "Root wad" means the ball of roots which extends above ground level when a tree is pushed over by wind or other means.

(3) Additional definitions.

(a) "Skid" means the movement of bolts, logs, or trees by pulling or towing across the terrain. It may be accomplished by a stationary machine, a moving vehicle, or animal. The term is also called "yarding". The definitive feature is contact between the terrain and the product during movement.

(b) "Slope" is a term of measurement in percent and means the increase in height over the distance measured. An increase of 1 foot over a distance of 5 feet is expressed as a 20 percent slope (see grade).

(c) "Snag" means any dead standing tree or portion thereof remaining standing.

(d) "Spring pole" means a section of tree, sapling, limb, etc., which is, by virtue of its arrangement with relation to other material, under tension.

(e) "Undercut" means a notch cut in a tree to guide the tree in felling.

(f) "Widow maker" means an overhanging limb or section of tree which could become dislodged and drop to the ground (see also "lodged tree").

(g) "Wood hook" and "pulp hook" mean a device to be held in one hand which is fitted with a pointed section. The device is used to assist in the manual piling and handling of bolts of wood (see Pickaroon).

(4) General requirements.

(a) Clothing, personal protective devices, and first aid.

(i) Gloves shall be provided for use when working with wire rope in any form.

(ii) The employer shall ensure that employees exposed to the danger of foot injury due to falling or rolling pulpwood shall wear foot protection which equals or exceeds the crushing and impact specifications of ANSI Z41.1-1967.

(iii) Safety helmets of approved design in accordance with American National Standard for Safety Requirements for Industrial Head Protection, Z89.1-1969 shall be provided and worn.

(iv) Eye or face protection in accordance with American National Standard for Practice for Occupational and Educational Eye and Face Protection, Z87.1-1968 shall be provided and used where chips and sawdust or flying particles are present.

(v) Dust masks in accordance with American National Standard Practices for Respiratory Protection, Z88.2-1969 shall be provided and used where exposure exceeds the limits specified in the General Occupational Health Standards, chapter 296-62 WAC.

(vi) Protection against the effects of noise exposure shall be provided and used when the sound levels exceed those shown in WAC 296-62-09011, Table 7, of the General Occupational Health Standards, when



measured on the A scale of a standard sound level meter at slow response.

(vii) First aid kits in compliance with the requirements of the General Safety and Health Standards, WAC 296-24-065, shall be provided at the work site and on all transport vehicles. In all areas where poisonous snakes may exist, snake bite kits shall be a part of the regular first-aid equipment. First-aid kits shall be regularly inspected and replenished.

(b) Handtools.

(i) The employer shall be responsible for the condition of tools when furnished by him and the user shall inspect any tool prior to using it to determine that it is in proper operating condition. Defective tools shall be removed from service.

(ii) Handles shall be sound, straight and tight fitting.

(iii) Driven tools shall be dressed to remove any mushrooming.

(iv) Cutting tools shall be kept sharp and properly shaped.

(v) Wood hooks and pickaroons of good grade steel shall be used.

(vi) Tools shall be used for purposes for which they were designed.

(vii) Hand tools shall be sheathed or boxed if transported in a vehicle with personnel. If not contained in a box, the sheathed tools shall be fastened to the vehicle.

(viii) Proper storage facilities shall be provided for hand tools. Tools shall be stored in the provided location at all times when not in use.

(c) Environmental conditions.

(i) All work shall terminate and employees moved to a place of safety during electrical storms and periods of high winds or when other unusual weather conditions are dangerous to personnel.

(ii) Dead, broken, or rotted limbs or trees that are a hazard (widow makers) shall be felled or otherwise removed before commencing logging operations, building roads, trails or landing, in their vicinity.

(d) Work areas.

(i) All persons shall be instructed to work within the vocal range of other workers unless a procedure has been established for periodically checking their location and welfare.

(ii) All persons shall be accounted for at the end of each work day.

(iii) An approved (Underwriters' Laboratories or Factory Mutual Engineering Corp.) fire extinguisher shall be provided at locations where machines are operating and/or on each vehicle.

(iv) Fuel shall be stored only in approved (Underwriters' Laboratories or Factory Mutual Engineering Corp.) well-marked containers. The provisions of the General Safety and Health Standards, WAC 296-24-330 through WAC 296-24-33019, shall be applied in the storage and use of flammable fuel.

(e) Chain saw operations.

(i) Chain saw operators shall be instructed to inspect saws daily to assure that all handles and guards are in place and tight, that all controls function properly and that the muffler is operative. Defective equipment shall not be used.

(ii) Chain saw operators shall be instructed to follow manufacturer's instructions as to operation and adjustment.

(iii) Chain saw operators shall be instructed to fuel the saw only in safe areas and not under conditions conducive to fire such as near persons smoking, hot engine, etc.

(iv) Chain saw operators shall be instructed to hold the saw with both hands during operation.

(v) Chain saw operators shall be instructed to start the saw at least 10 feet away from fueling area.

(vi) Chain saw operators shall be instructed to start the saw only on the ground or when otherwise firmly supported.

(vii) Chain saw operators shall be instructed to be certain of footing and to clear away brush which might interfere before starting to cut.

(viii) Chain saw operators shall be instructed not to use engine fuel for starting fires or as a cleaning solvent.

(ix) Chain saw operators shall be instructed to shut off the saw when carrying it for a distance greater than from tree to tree or in hazardous conditions such as slippery surfaces or heavy underbrush. If the operator is carrying a running saw, the saw shall be at idle speed.

(x) Chain saw operators shall be instructed to carry the saw in a manner to prevent contact with the chain and muffler.

(xi) Chain saw operators shall be instructed not to use the saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

(xii) Supervision shall be adequately maintained to assure that the instructions required by this chapter are followed.

(f) Stationary and mobile equipment operation.

(i) Equipment operators shall be instructed as to the manufacturers' recommendations for equipment operation, maintenance, safe practices, and site operating procedures.

(ii) Equipment shall be kept free of flammable material.

(iii) Equipment shall be kept free of any material which might contribute to slipping and falling.

(iv) Engine of equipment shall be shut down during fueling, servicing, and repairs except where operation is required for adjustment.

(v) The operator shall inspect the equipment he will be operating at the start of each shift for evidence of failure or incipient failure. Equipment found to have defects which might affect the operating safety shall not be used.

(vi) The equipment operator shall walk completely around machine and assure that no obstacles or personnel are in the area before startup.

(vii) The equipment operator shall start and operate equipment only from the operator's station or from safe area recommended by the manufacturer.

(viii) A seat belt shall be provided on mobile equipment.

(ix) The equipment operator shall check all controls for proper function and response before starting working cycle.

(x) The equipment operator shall ground or secure all movable elements when not in use.

(xi) The foreman shall advise the equipment operator of the load capacity, operating speed and stability limitations of the equipment.

(xii) The equipment operator shall maintain adequate distance from other equipment and personnel.

(xiii) Where signalmen are used, the equipment operator shall operate the equipment only on signal from the designated signalman and only when signal is distinct and clearly understood.

(xiv) The equipment operator shall not operate movable elements (boom, grapple, load, etc.) close to or over personnel.

(xv) The equipment operator shall signal his intention before operation when personnel are in or near the working area.

(xvi) The equipment operator shall dismount and stand clear for all loading and unloading of his mobile vehicle by other mobile equipment. The dismounted operator shall be visible to loader operator.

(xvii) The equipment operator shall operate equipment in a manner that will not place undue shock loads on wire rope.

(xviii) The equipment operator shall not permit riders or observers on the machine unless approved seating and protection is provided.

(xix) The equipment operator shall shut down the engine when the equipment is stopped, apply brake locks and ground moving elements before he dismounts.

(xx) The equipment operator shall when any equipment is transported from one job location to another, transport it on a vehicle of sufficient rated capacity and the equipment shall be properly secured during transit.

(xxi) When any equipment is being moved or operated in the vicinity of an electric distribution line a minimum clearance of ten feet shall be maintained between the electric distribution line and all elements of the machine.

(g) Explosives. Only trained and experienced personnel shall handle or use explosives. Usage shall comply with the requirements of chapter 296-52 WAC and chapter 70.74 RCW.

(5) Equipment protective devices—stationary and mobile equipment.

(a) Operator's manual. There shall be an operator's manual or operating instructions with each machine. It will describe operation, maintenance, and safe practices.

(b) On all mobile equipment specified in WAC 296-54-216, Roll-over Protective Structures (ROPS) shall be installed and maintained in accordance with the provisions of that section. On equipment requiring ROPS, the provisions of WAC 296-54-210, WAC 296-54-215, WAC 296-54-217 and WAC 296-54-218 shall also apply.

(c) Equipment on which ROPS are not required shall be equipped with the following operator protective devices:

(i) Protective canopy. A protective canopy shall be provided for the operator of mobile equipment. It shall be so constructed as to protect the operator from injury due to falling trees or limbs, saplings or branches which might enter the compartment side areas, and snapping winch lines or other objects.

(A) The canopy shall be of adequate size so as not to impair the operator's movements.

(B) ((The canopy framework shall consist of at least two arches, either transverse or longitudinal. If transverse, one arch shall be installed behind the operator and one immediately in front of the operator. They shall be joined at the top by at least two longitudinal braces. There



shall be two braces which shall act as deflecting guards extending from the leading edge of the forward arch to the front part of the frame of the tractor. If longitudinal arches are used, they shall be extended from behind the operator to the front part of the frame and each arch shall have an intermediate support located immediately ahead of the operator so that ingress or egress is not impeded. Regardless of the type of construction used, the fabrication and method of connecting to the tractor shall be of such design as to develop a strength equivalent to the upright members.

~~(E))~~ The overhead covering shall be solid material and extend the full width of the canopy.

~~((D))~~ (C) The lower portion of cab shall be completely enclosed with solid material, except at entrances, to prevent the operator from being injured from obstacles entering the cab.

~~((E))~~ (D) The upper rear portion of cab shall be fully enclosed with open mesh material with openings of such a size as to reject the entrance of an object larger than 1 3/4 inch in diameter. It shall provide maximum rearward visibility.

~~((F))~~ (E) Open mesh shall be extended forward as far as possible from the rear corners of the cab sides so as to give the maximum protection against obstacles, branches, etc., entering the cab area.

~~((G))~~ (F) Deflectors shall also be installed ahead of the operator to deflect whipping saplings and branches. These shall be located so as to not impede ingress or egress from the compartment.

~~((H))~~ (G) The entrance opening of the canopy shall be not less than 52 inches in vertical height.

~~((I))~~ (H) Where glass is used it shall be safety glass. An approved substitute may be used.

(aa) An additional metal screen shall be used where glass alone is not adequate operator protection.

(bb) Provision shall be made to clean glass to assure adequate visibility.

(ii) Guards. Guards shall be provided for exposed moving elements such as shafts, pulleys, belts, conveyors and gears in accordance with WAC 296-24-205 through WAC 296-24-20527 and American National Standard Safety Code for Conveyors, Cableways, and Related Equipment, B20.1-1957. Guards shall be in place at all times machine is in operation.

(iii) Mufflers. Mufflers provided by the manufacturer or their equivalent shall be in place at all times the machine is in operation.

(iv) Guylines. Guylines shall be arranged in such manner that stresses will be imposed on not less than two guylines. Stumps used for anchoring guylines shall be carefully chosen as to position and strength. They shall be tied back if necessary. Standing trees shall not be used for this purpose.

(v) Stability and reliability. Crane and loader stability and boom reliability shall be in accordance with American National Standard Safety Code for Cranes, Derricks and Hoists Overhead and Gantry Cranes, B30.2.0-1967, and American National Standard Safety Code for Cranes, Derricks and Hoists—Crawler, Locomotive, and Truck Cranes, B30.5-1968.

(6) Pulpwood harvesting.

(a) Felling, general.

(i) Work areas shall be assigned such that a tree cannot fall into an adjacent work area. The recommended distance between workers is twice the height of trees being felled.

(ii) When trees may fall into public roads a flagman shall be assigned to direct traffic.

(iii) Workers shall not approach a feller closer than twice the height of trees being felled until the feller has acknowledged the signal of approach.

(iv) Lodged trees shall be pulled to the ground at first opportunity with mechanical equipment or animal.

(v) Workers shall not work under a lodged tree.

(vi) Special precautions shall be taken to prevent felling trees into powerlines.

(vii) If a tree does make contact with a powerline the power company shall be notified immediately and all personnel shall remain clear of the area until power company personnel advises that conditions are safe.

(b) Manual felling.

(i) The feller shall plan a retreat path and clear the path as necessary before cut is started.

(ii) The feller shall appraise situation for dead limbs, the lean of tree to be cut, wind conditions, location of other trees and other hazards and exercise proper precautions before cut is started.

(iii) Undercuts shall be about one-third the diameter of the tree to guide tree and reduce possibility of splitting. (Local practice where small diameter trees are felled without being undercut is acceptable if the direction of fall is controlled by the practice.)

(iv) Back or felling cut shall be parallel to the inner edge of the undercut and approximately two inches higher than the undercut.

(v) The saw shall be shut off before feller starts his retreat.

(vi) On terrain where trees are likely to slide or roll fellers shall fell trees from the uphill side and arrange to keep uphill from previously felled trees.

(c) Bucking.

(i) Bucking on slopes shall be from the uphill side unless the log has been securely blocked to prevent rolling or swinging.

(ii) Spring poles and trees under stress shall be cut so that employee is clear when the tension is released. (This is accomplished by cutting under the bend.)

(iii) Trees piled for bucking shall be piled in an orderly parallel manner that minimizes hazard to employees.

(d) Limbing. Spring poles and limbs under stress shall be cut in such a manner that the employee is clear when tension is released.

(e) Mechanical debarking and delimiting. Guarding shall be provided so as to protect employees from flying chunks, logs, chips, bark, limbs, and other material and to prevent the worker from contacting moving parts.

(f) Skidding and prehauling, general.

(i) Only a designated, trained operator shall operate a skid or prehaul machine.

(ii) Choker setters shall work on uphill side of log.

(iii) No passenger personnel shall ride on a prehaul vehicle, logs, pallets, skid pans or other load unless adequate seating and protection is provided except on animal powered wagons.

(iv) Chokers shall be positioned near the end of the log or tree length to allow turning of the prehaul vehicle, to prevent the penetration of the operator station and to reduce possibility of striking the wheel or track.

(v) During winching, the equipment shall be positioned so that the winch line is in alignment with the long axis of the prehaul machine.

(vi) A stuck or inoperative vehicle shall be towed. A loaded pallet shall not be pushed.

(vii) Stakes shall not be added to permit a load beyond the rated capacity of pallets and trailers.

(viii) The operator shall be instructed to be observant and cautious of height of load and vehicle when traveling under trees, limbs, and other overhead obstructions.

(g) Skidding and prehauling equipment requirements.

(i) Arches, fairleads, drawbars, hitches and bumpers or fenders shall be designed and constructed to allow a minimum radius vehicle turn without the load contacting a rear tire or the rear of a track assembly.

(ii) Towed equipment such as skid pans, pallets and trailers shall be attached in such a manner as to allow a full 90° turn, prevent overrunning of the towed vehicle, and assure control of the towed equipment.

(iii) Animal towed equipment shall be equipped with a hand brake within reach of the driver.

(iv) Prehaulers shall have a means for securely retaining pallets or pulpwood.

(v) Prehaulers shall have a means of securely retaining loader for transport when so equipped.

(vi) Provision shall be made to securely fasten and to protect all tools and material on the carrier.

(h) Personnel transport.

(i) The driver shall be licensed as required by the Washington State Department of Motor Vehicles.

(ii) Explosives or flammable liquids shall not be transported on crew vehicles except as specifically provided for in WAC 296-54-160.

(iii) Seats shall be securely fastened.

~~(i) ((Off Highway Truck Transport. Truck drivers shall be instructed to stop their vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter a public road.~~

~~((j))~~ Manual loading.

(i) The carrier shall be positioned to provide a safe working clearance between carrier and pile.

(ii) Proper lifting techniques shall be used, i.e., straight back and bend knees.

(iii) The stick shall be placed in the carrier in such manner that it is or will be properly secured.

- (iv) Manual handling shall be limited to a weight consistent with correct lifting practices and individual lifting capacity.
- ~~((k))~~ (j) Machine loading.
- (i) Piles shall be located to provide a safe work area.
- (ii) Only the machine operator and slingman where used, shall be in the work area.
- (iii) The load shall be positioned for balance and to prevent slippage or loss. Slings shall be placed to secure and balance the load.
- ~~((H))~~ (k) Storage. Piles shall be located and constructed in a manner to provide safe working area around them.
- ~~((m))~~ (l) Banding and piling bundles.
- (i) Steel bands used in the making of bundles shall have a 5 to 1 safety factor for the weight of the bundles and shall be free of any visible defect which might detract from their designed strength.
- (ii) Bands shall be placed when bundle is close to ground.
- (iii) No part of the body shall be under the bundle at any time. Bundles shall be placed on runners. Bundles may be double stacked with top end bundle one half or more back from the lower rank end bundle.
- ~~((n))~~ (m) Chipping (in-woods locations).
- (i) Access covers or doors shall not be opened until the drum or disk is at a complete stop.
- (ii) Infeed and discharge ports shall be designed to prevent contact by personnel with disc, knives, or blower blades.
- ~~((o))~~ (n) Roads and trails, general.
- (i) Roads shall be maintained and hazardous conditions corrected.
- (ii) Where vision is limited warnings shall be posted.
- (iii) Curve radii shall be the maximum consistent with terrain.
- (iv) When night work is necessary, lighting shall be provided in accordance with WAC 296-54-280.
- (v) Local road standards and maximum weight of traffic expected shall be used as guides for materials, construction features and drainage.
- ~~((p))~~ (o) Road and trail pioneering and earthwork.
- (i) Banks at the borrow area shall be sloped to prevent slides.
- (ii) Backfill shall be firmly compacted.
- (iii) Roadside banks shall be sloped or stabilized to prevent slides.
- (iv) Overhanging banks, large rocks and debris shall be removed or secured.
- (v) Where riprap is used the material and design shall assure containment of material.
- (vi) Trees or snags which may fall into the road shall be felled.
- ~~((q))~~ (p) Road and trail drainage.
- (i) Drainage shall be provided to prevent washouts and landslides.
- (ii) Culverts shall be of adequate strength and of a size to handle maximum runoff.
- (iii) Where necessary, ditches and banks shall be stabilized by vegetation, riprap, or other adequate means.
- ~~((r))~~ (q) Road and trail surfacing. Road surface shall be properly compacted, graded and crowned.
- ~~((s))~~ (r) Bridges.
- (i) Bridges shall be constructed in accordance with the provisions of WAC 296-54-150.
- (ii) Bridges shall be decked and curbed.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

##### WAC 296-62-07301 4-NITROBIPHENYL. (1) Scope and application.

- (a) This section applies to any area in which 4-Nitrobiphenyl, Chemical Abstracts Service Registry Number 92933 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.
- (b) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Nitrobiphenyl.
- (2) Definitions. For the purposes of this section:
- (a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu\text{m}$  particles.
- (b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned to those duties by the employer.
- (c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Nitrobiphenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving 4-Nitrobiphenyl where containment prevents the release of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of 4-Nitrobiphenyl or its safe disposal.

(f) "Disposal" means the safe removal of 4-Nitrobiphenyl from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Nitrobiphenyl which may result in exposure to or contact with 4-Nitrobiphenyl.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Nitrobiphenyl, which is impervious to the passage of 4-Nitrobiphenyl, and which would prevent the entry of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Nitrobiphenyl within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving 4-Nitrobiphenyl in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Nitrobiphenyl into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Nitrobiphenyl.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing 4-Nitrobiphenyl. A regulated area shall be established by an employer where 4-Nitrobiphenyl is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with 4-Nitrobiphenyl within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where 4-Nitrobiphenyl is stored in sealed containers, or contained in a closed system, including piping systems with any sample ports or openings closed while 4-Nitrobiphenyl is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where 4-Nitrobiphenyl is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Nitrobiphenyl handling operation shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, of the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In clean-up of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4-Nitrobiphenyl could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of 4-Nitrobiphenyl:~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures:~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes:~~

~~(iii) Surfaces on which 4-Nitrobiphenyl is handled shall be protected from contamination:~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released:~~

~~(v) All other forms of 4-Nitrobiphenyl shall be inactivated prior to disposal:~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters:~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day:~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat:~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities:~~

~~(ix) Air pressure in laboratory areas and animal rooms where 4-Nitrobiphenyl is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air~~

~~shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated:~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system:~~

~~(xi) A current inventory of 4-Nitrobiphenyl shall be maintained:~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation:))~~

~~(4) General regulated area requirements:~~

~~(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director:~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.~~

~~(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.~~

~~(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.~~

~~(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.~~

~~(iv) Where an employee has a known contact with 4-Nitrobiphenyl such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.~~

~~(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.~~

~~((c)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.~~

~~(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.~~

~~(iii) Where employees are required by this section to shower, shower facilities shall be provided.~~

~~(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.~~

~~(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.~~

~~(C) Showers shall be provided with hot and cold water feeding a common discharge line.~~

~~(D) Employees who use showers shall be provided with individual clean towels.~~

~~(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing for the number of such employees required to change clothes.~~

~~(v) Where toilets are in regulated areas, such toilets shall be in a separate room.~~

~~((d)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.~~

~~(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.~~

~~(iii) Decontamination procedures shall be established and implemented to remove 4-Nitrobiphenyl from the surfaces of materials, equipment and the decontamination facility.~~

~~(iv) Dry sweeping and dry mopping are prohibited.~~

~~(5) Signs, information and training.~~

~~(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:~~

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(c) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA**

**IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD  
REQUIRED AT ALL TIMES**

**AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container Contents, Identification. (i) Containers of 4-Nitrobiphenyl and containers required in (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Nitrobiphenyl and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Nitrobiphenyl contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of 4-Nitrobiphenyl, including local and systemic toxicity;

(B) The specific nature of the operation involving 4-Nitrobiphenyl which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Nitrobiphenyl;

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

**(6) Reports.**

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial

Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and inplant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Nitrobiphenyl in each regulated area.

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which 4-Nitrobiphenyl is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of 4-Nitrobiphenyl into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

**AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)**

**WAC 296-62-07303 ALPHA-NAPHTHYLAMINE. (1) Scope and application.**

(a) This section applies to any area in which alpha-Naphthylamine, Chemical Abstracts Service Registry Number 134327 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c), and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of alpha-Naphthylamine.

(c) This section will not apply to operations involving the destructive distillation of carbonaceous materials, such as occurs in coke ovens.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu\text{m}$  particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of alpha-Naphthylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving alpha-Naphthylamine where containment prevents the release of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of alpha-Naphthylamine or its safe disposal.

(f) "Disposal" means the safe removal of alpha-Naphthylamine from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of alpha-Naphthylamine which may result in exposure to or contact with alpha-Naphthylamine.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of alpha-Naphthylamine, which is impervious to the passage of alpha-Naphthylamine, and which would prevent the entry of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving alpha-Naphthylamine within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted or controlled.

(l) "Open-vessel system" means an operation involving alpha-Naphthylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of alpha-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to alpha-Naphthylamine.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing alpha-Naphthylamine. A regulated area shall be established by an employer where alpha-Naphthylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with alpha-Naphthylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where alpha-Naphthylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while alpha-Naphthylamine is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where alpha-Naphthylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and shoe covers and gloves prior to entering a regulated area.

(iv) Employees engaged in alpha-Naphthylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with alpha-Naphthylamine could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of alpha-Naphthylamine.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures:~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes:~~

~~(iii) Surfaces on which alpha-Naphthylamine is handled shall be protected from contamination:~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released:~~

~~(v) All other forms of alpha-Naphthylamine shall be inactivated prior to disposal:~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters:~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls, or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day:~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.~~

~~(ix) Air pressure in laboratory areas and animal rooms where alpha-Naphthylamine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system.~~

~~(xi) A current inventory of alpha-Naphthylamine shall be maintained.~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.)~~

(4) General regulated area requirements.

(a) ~~((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (4)(b)(i), (ii), (iii), (iv), and (v) of this section shall be implemented.~~

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected areas shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.

(iv) Where an employee has a known contact with alpha-Naphthylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.

~~((f)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.~~

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009 of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with:

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment clean change rooms shall be provided, in accordance with WAC 296-62-07301(4)(c)(iv), for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

~~((d)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean make-up air in equal volume shall replace air removed.~~

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove alpha-Naphthylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in subdivision (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of alpha-Naphthylamine and containers required under (3)(d)(v), (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of alpha-Naphthylamine and containers required under (3)(d)(v), (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have alpha-Naphthylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of alpha-Naphthylamine, including local and systemic toxicity;

(B) The specific nature of the operation involving alpha-Naphthylamine which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of alpha-Naphthylamine;



(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii) and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and inplant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of alpha-Naphthylamine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which alpha-Naphthylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of alpha-Naphthylamine into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

##### WAC 296-62-07307 METHYL CHLOROMETHYL ETHER.

(1) Scope and application.

(a) This section applies to any area in which methyl chloromethyl ether, Chemical Abstracts Service Registry Number 107302 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of methyl chloromethyl ether.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$ m particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of methyl chloromethyl ether. The clean change room shall be contiguous to and have an entry from a shower room; when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving methyl chloromethyl ether where containment prevents the release of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of methyl chloromethyl ether or its safe disposal.

(f) "Disposal" means the safe removal of methyl chloromethyl ether from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of methyl chloromethyl ether which may result in exposure to or contact with methyl chloromethyl ether.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of methyl chloromethyl ether, which is impervious to the passage of methyl chloromethyl ether, and which would prevent the entry of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel or containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving methyl chloromethyl ether within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving methyl chloromethyl ether in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of methyl chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to methyl chloromethyl ether.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing methyl chloromethyl ether. A regulated area shall be established by an employer where methyl chloromethyl ether is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with methyl chloromethyl ether within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where methyl chloromethyl ether is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while methyl chloromethyl ether is contained within. Access shall be restricted to authorized employees only;

(c) Open Vessel System Operations. Open vessel system operations as defined in (2)(l) of this section are prohibited.



(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where methyl chloromethyl ether is contained in an otherwise "closed system," but is transferred, charged or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), and gloves prior to entering the regulated area.

(iv) Employees engaged in methyl chloromethyl ether handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with methyl chloromethyl ether could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards;

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of methyl chloromethyl ether.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures.~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.~~

~~(iii) Surfaces on which methyl chloromethyl ether is handled shall be protected from contamination.~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.~~

~~(v) All other forms of methyl chloromethyl ether shall be inactivated prior to disposal.~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers.~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to shower after the last exit of the day.~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.~~

~~(ix) Air pressure in laboratory areas and animal rooms where methyl chloromethyl ether is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system.~~

~~(xi) A current inventory of methyl chloromethyl ether shall be maintained.~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation:))~~

(4) General regulated area requirements.

(a) ~~((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (4)(b)(i), (ii), (iii), (iv), and (v) of this section shall be implemented.~~

~~(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.~~

~~(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.~~

~~(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.~~

~~(iv) Where an employee has a known contact with methyl chloromethyl ether, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.~~

~~(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.~~

~~((c)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products are prohibited in regulated areas.~~

~~(ii) Where employees wear protective clothing and equipment, clean change rooms shall be provided, and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.~~

~~(iii) Where toilets are in regulated areas, such toilets shall be in a separate room.~~

~~(iv) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009 of the General Safety and Health Standards.~~

~~(v) Where employees are required by this section to shower, shower facilities shall be provided.~~

~~(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.~~

~~(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009 of the General Safety and Health Standards.~~

~~(C) Showers shall be provided with hot and cold water feeding a common discharge line.~~

~~(D) Employees who use showers shall be provided with individual clean towels.~~

((†)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove methyl chloromethyl ether from the surfaces of materials, equipment and the decontamination facility.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of methyl chloromethyl ether and containers required under (3)(d)(v), (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of methyl chloromethyl ether and containers required under (3)(d)(v), (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have methyl chloromethyl ether contents with corrosive or irritating properties shall label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of methyl chloromethyl ether, including local and systemic toxicity;

(B) The specific nature of the operation involving methyl chloromethyl ether which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including as appropriate, methods of self examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of methyl chloromethyl ether;

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and implant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of methyl chloromethyl ether in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities; and

(iv) The manner in which methyl chloromethyl ether is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of methyl chloromethyl ether into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the director.

(ii) A written report shall be filed with the director within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

**AMENDATORY SECTION** (Amending Order 74-35, filed 9/20/74)

**WAC 296-62-07309 3,3'-DICHLOROBENZIDINE (AND ITS SALTS).** (1) Scope and application.

(a) This section applies to any area in which 3,3'-Dichlorobenzidine (or its salts), Chemical Abstracts Service Registry Number 91941 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1 percent by weight or volume of 3,3'-Dichlorobenzidine (or its salts).

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$ m particles.

(b) "authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 3,3'-Dichlorobenzidine (or its salts). The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving 3,3'-Dichlorobenzidine (or its salts) where containment prevents the release of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of 3,3'-Dichlorobenzidine (or its salts) or its safe disposal.

(f) "Disposal" means the safe removal of 3,3'-Dichlorobenzidine (or its salts) from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 3,3'-Dichlorobenzidine (or its salts) which may result in exposure to or contact with 3,3'-Dichlorobenzidine (or its salts).

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment, of 3,3'-Dichlorobenzidine (or its salts), which is impervious to the passage of 3,3'-Dichlorobenzidine (or its salts) and which would prevent the entry of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 3,3'-Dichlorobenzidine (or its salts) within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving 3,3'-Dichlorobenzidine (or its salts) in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 3,3'-Dichlorobenzidine (or its salts) into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 3,3'-Dichlorobenzidine (or its salts).

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing 3,3'-Dichlorobenzidine (or its salts). A regulated area shall be established by an employer where 3,3'-Dichlorobenzidine (or its salts) is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with 3,3'-Dichlorobenzidine (or its salts) within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where 3,3'-Dichlorobenzidine (or its salts) is stored in sealed containers, or contained in a closed system, including piping systems with any sample ports or openings closed while 3,3'-Dichlorobenzidine (or its salts) is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where 3,3'-Dichlorobenzidine (or its salts) is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 3,3'-Dichlorobenzidine (or its salts) handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In clean up of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 3,3'-Dichlorobenzidine (or its salts) could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of 3,3'-Dichlorobenzidine (or its salts):~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures;~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes;~~

~~(iii) Surfaces on which 3,3'-Dichlorobenzidine (or its salts) is handled shall be protected from contamination;~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released;~~

~~(v) All other forms of 3,3'-Dichlorobenzidine (or its salts) shall be inactivated prior to disposal;~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters;~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the~~

point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day.

(viii) Employees, other than those engaged only in animal support activities, each day shall be:

(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.

(C) Required to wash hands, forearms face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.

(ix) Air pressure in laboratory areas and animal rooms where 3,3'-Dichlorobenzidine (or its salts) is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.

(x) There shall be no connection between regulated areas and any other area through the ventilation system.

(xi) A current inventory of 3,3'-Dichlorobenzidine (or its salts) shall be maintained.

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation:))

(4) General regulated area requirements.

(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.

(b)) Emergencies. In an emergency, immediate measures including, but not limited to the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.

(i) the potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report in accordance with (6)(b) of this section.

(iv) Where an employee has a known contact with 3,3'-Dichlorobenzidine (or its salts) such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.

((f)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided.

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

((f)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 3,3'-Dichlorobenzidine (or its salts) from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container Contents, Identification. (i) Containers of 3,3'-Dichlorobenzidine (or its salts) and containers required in (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e), may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 3,3'-Dichlorobenzidine (or its salts) and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 3,3'-Dichlorobenzidine (or its salts) contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of 3,3'-Dichlorobenzidine (or its salts) including local and systemic toxicity;

(B) The specific nature of the operation involving 3,3'-Dichlorobenzidine (or its salts) which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 3,3'-Dichlorobenzidine (or its salts);

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

((~~(iv)~~)) (iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and inplant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 3,3'-Dichlorobenzidine (or its salts) in each regulated area.

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which 3,3'-Dichlorobenzidine (or its salts) is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of 3,3'-Dichlorobenzidine (or its salts) into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) Specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

WAC 296-62-07311 BIS-CHLOROMETHYL ETHER. (1) Scope and application.

(a) This section applies to any area in which bis-Chloromethyl ether, Chemical Abstracts Service Registry Number 542881 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of bis-chloromethyl ether.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu\text{m}$  particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of bis-chloromethyl ether. The clean change room shall be contiguous to and have an entry from a shower room when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving bis-chloromethyl ether where containment prevents the release of bis-chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of bis-chloromethyl ether or its safe disposal.

(f) "Disposal" means the safe removal of bis-chloromethyl ether from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of bis-chloromethyl ether which may result in exposure to or contact with bis-chloromethyl ether.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment, of bis-chloromethyl ether, which is impervious to the passage of bis-chloromethyl ether, and which would prevent the entry of bis-chloromethyl ether into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving bis-chloromethyl ether within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving bis-chloromethyl ether in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of bis-chloromethyl ether into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to bis-chloromethyl ether.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing bis-chloromethyl ether. A regulated area shall be established by an employer where bis-

chloromethyl ether is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with bis-chloromethyl ether within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where bis-chloromethyl ether is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while bis-chloromethyl ether is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where bis-chloromethyl ether is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in bis-chloromethyl ether handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with bis-chloromethyl ether could result, each authorized employee entering that area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of bis-chloromethyl ether.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures.~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.~~

~~(iii) Surfaces on which bis-chloromethyl ether is handled shall be protected from contamination.~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to~~

~~removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.~~

~~(v) All other forms of bis-chloromethyl ether shall be inactivated prior to disposal.~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers.~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day.~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.~~

~~(ix) Air pressure in laboratory areas and animal rooms where bis-chloromethyl ether is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system.~~

~~(xi) A current inventory of bis-chloromethyl ether shall be maintained.~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.)~~

~~(4) General regulated area requirements.~~

~~(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by register mail to the director.~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.~~

~~(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.~~

~~(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.~~

~~(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.~~

~~(iv) Where an employee has a known contact with bis-chloromethyl ether such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.~~

~~(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.~~

~~((c)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or~~



application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided in accordance with:

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

((††)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove bis-chloromethyl ether from the surfaces of materials, equipment and the decontamination facility.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container Contents, Identification. (i) Containers of bis-chloromethyl ether and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of bis-chloromethyl ether and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have bis-chloromethyl ether contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on

containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of bis-chloromethyl ether, including local and systemic toxicity;

(B) The specific nature of the operation involving bis-chloromethyl ether which could result in exposure;

(C) The purpose for the application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of bis-chloromethyl ether;

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and implant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of bis-chloromethyl ether in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which bis-chloromethyl ether is present in each regulated area; e.g. whether it is manufactured, processed, used, re-packaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of bis-chloromethyl ether into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.



(ii) Authorized employees shall be provided periodic physical examinations not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

WAC 296-62-07313 BETA-NAPHTHYLAMINE. (1) Scope and application.

(a) This section applies to any area in which beta-Naphthylamine, Chemical Abstracts Service Registry Number 91598 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of beta-Naphthylamine.

(c) This section will not apply to operations involving the destructive distillation of carbonaceous materials, such as occurs in coke ovens.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu\text{m}$  particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "CLEAN CHANGE ROOM" means a room where employees put on clean clothing and/or protective equipment in an environment free of beta-Naphthylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving beta-Naphthylamine where containment prevents the release of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of beta-Naphthylamine or its safe disposal.

(f) "Disposal" means the safe removal of beta-Naphthylamine from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of beta-Naphthylamine which may result in exposure to or contact with beta-Naphthylamine.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of beta-Naphthylamine, which is impervious to the passage of beta-Naphthylamine, and which would prevent the entry of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving beta-Naphthylamine within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving beta-Naphthylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of beta-Naphthylamine into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to beta-Naphthylamine.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing beta-Naphthylamine. A regulated area shall be established by an employer where ((bets)) beta-Naphthylamine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with beta-Naphthylamine within an isolated system, such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where beta-Naphthylamine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while beta-Naphthylamine is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(1) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where beta-Naphthylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in beta-Naphthylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with beta-Naphthylamine could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of beta-Naphthylamine:~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures:~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes:~~

~~(iii) Surfaces on which beta-Naphthylamine is handled shall be protected from contamination:~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released:~~

~~(v) All other forms of beta-Naphthylamine shall be inactivated prior to disposal:~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters:~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day:~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat:~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities:~~

~~(ix) Air pressure in laboratory areas and animal rooms where beta-Naphthylamine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated:~~

~~(x) There shall be no connection between regulated areas and any other area through the ventilation system:~~

~~(xi) A current inventory of beta-Naphthylamine shall be maintained:~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation:))~~

~~(4) General regulated area requirements.~~

~~(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.~~

~~(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.~~

~~(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.~~

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.

(iv) Where an employee has a known contact with beta-Naphthylamine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.

~~((e))~~ (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided.

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided, and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

~~((d))~~ (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove beta-Naphthylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of beta-Naphthylamine and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of beta-Naphthylamine and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized

employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have beta-Naphthylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of beta-Naphthylamine, including local and systemic toxicity;

(B) The specific nature of the operation involving beta-Naphthylamine which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of beta-Naphthylamine;

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and implant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of beta-Naphthylamine in each regulated area.

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which beta-Naphthylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of beta-Naphthylamine into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at the time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

WAC 296-62-07315 BENZIDINE. (1) Scope and application.

(a) This section applies to any area in which Benzidine, Chemical Abstracts Service Registry Number 92875 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of Benzidine.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$ m particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of Benzidine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving Benzidine where containment prevents the release of Benzidine into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of Benzidine or its safe disposal.

(f) "Disposal" means the safe removal of Benzidine from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of Benzidine which may result in exposure to or contact with Benzidine.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of Benzidine, which is impervious to the passage of Benzidine, and which would prevent the entry of Benzidine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward

at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving Benzidine within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving Benzidine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of Benzidine into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to Benzidine.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing Benzidine. A regulated area shall be established by an employer where Benzidine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. Employees working with Benzidine within an isolated system, such as a "glove box", shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where Benzidine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while Benzidine is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory type hoods," or in locations where Benzidine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in Benzidine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with Benzidine could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of Benzidine.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures.~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.~~

~~(iii) Surfaces on which Benzidine is handled shall be protected from contamination.~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.~~

~~(v) All other forms of Benzidine shall be inactivated prior to disposal.~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt; foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day.~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.~~

~~(ix) Air pressure in laboratory areas and animal rooms where Benzidine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system.~~

~~(xi) A current inventory of Benzidine shall be maintained.~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.)~~

(4) General regulated area requirements.

(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.

(b)) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.

(iv) Where an employee has a known contact with Benzidine such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.

((b)) (b) Hygiene facilities and practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided.

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided, and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

((c)) (c) Contamination control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove Benzidine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container contents identification. (i) Containers of Benzidine and containers required under (3)(d)(v) and (3)(f)(vii)(B) and

(3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of Benzidine and contents required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have Benzidine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited statements. No statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of Benzidine, including local and systemic toxicity;

(B) The specific nature of the operation involving Benzidine which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of Benzidine;

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and implant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of Benzidine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which Benzidine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of Benzidine into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination; and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physicians shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

##### WAC 296-62-07317 4-AMINODIPHENYL. (1) Scope and application.

(a) This section applies to any area in which 4-Aminodiphenyl, Chemical Abstracts Service Registry Number 92671 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 0.1 percent by weight or volume of 4-Aminodiphenyl.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$ m particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Aminodiphenyl. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving 4-Aminodiphenyl where containment prevents the release of 4-Aminodiphenyl into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of 4-Aminodiphenyl or its safe disposal.

(f) "Disposal" means the safe removal of 4-Aminodiphenyl from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Aminodiphenyl which may result in exposure to or contact with 4-Aminodiphenyl.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Aminodiphenyl, which is impervious to the passage of 4-Aminodiphenyl, and which would prevent the entry of 4-Aminodiphenyl into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Aminodiphenyl within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving 4-Aminodiphenyl in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Aminodiphenyl into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Aminodiphenyl.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing 4-Aminodiphenyl. A regulated area shall be established by an employer where 4-Aminodiphenyl is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. Employees working with 4-Aminodiphenyl within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. Within regulated areas where 4-Aminodiphenyl is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while 4-Aminodiphenyl is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open vessel system operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer from a closed system, charging or discharging point operations, or otherwise opening a closed system. In operations involving "laboratory type hoods," or in locations where 4-Aminodiphenyl is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Aminodiphenyl handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.



(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and decontamination activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4-Aminodiphenyl could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of 4-Aminodiphenyl:~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures:~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes:~~

~~(iii) Surfaces on which 4-Aminodiphenyl is handled shall be protected from contamination:~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released:~~

~~(v) All other forms of 4-Aminodiphenyl shall be inactivated prior to disposal:~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters:~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day:~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat:~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities:~~

~~(ix) Air pressure in laboratory areas and animal rooms where 4-Aminodiphenyl is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated:~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system:~~

~~(xi) A current inventory of 4-Aminodiphenyl shall be maintained:~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation:))~~

~~(4) General regulated area requirements.~~

~~(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited, to the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.~~

~~(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.~~

~~(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.~~

~~(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.~~

~~(iv) Where an employee has a known contact with 4-Aminodiphenyl such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.~~

~~(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.~~

~~((e)) (b) Hygiene facilities and practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.~~

~~(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.~~

~~(iii) Where employees are required by this section to shower, shower facilities shall be provided.~~

~~(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.~~

~~(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.~~

~~(C) Showers shall be provided with hot and cold water feeding a common discharge line.~~

~~(D) Employees who use showers shall be provided with individual clean towels.~~

~~(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.~~

~~(v) Where toilets are in regulated areas, such toilets shall be in a separate room.~~

~~((f)) (c) Contamination control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.~~

~~(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.~~

~~(iii) Decontamination procedures shall be established and implemented to remove 4-Aminodiphenyl from the surfaces of materials, equipment and the decontamination facility.~~

~~(iv) Dry sweeping and dry mopping are prohibited.~~

~~(5) Signs, information and training.~~

~~(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:~~

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

~~(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:~~



**CANCER-SUSPECT AGENT EXPOSED IN THIS AREA IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

(b) Container contents identification. (i) Containers of 4-Aminodiphenyl and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Aminodiphenyl and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Aminodiphenyl contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of 4-Aminodiphenyl, including local and systemic toxicity;

(B) The specific nature of the operation involving 4-Aminodiphenyl which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Aminodiphenyl.

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and inplant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Aminodiphenyl in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which 4-Aminodiphenyl is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of 4-Aminodiphenyl into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

**AMENDATORY SECTION (Amending Order 76-6, filed 3/1/76)**

**WAC 296-62-07319 ETHYLENEIMINE.** (1) Scope and application.

(a) This section applies to any area in which Ethyleneimine, Chemical Abstracts Service Registry Number 151564 is manufactured, processed, repackaged, released, handled or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of Ethyleneimine.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$  particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of Ethyleneimine. The clean change room shall be contiguous to and have

an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving Ethyleneimine where containment prevents the release of Ethyleneimine into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of Ethyleneimine or its safe disposal.

(f) "Disposal" means the safe removal of Ethyleneimine from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of Ethyleneimine which may result in exposure to or contact with Ethyleneimine.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of Ethyleneimine, which is impervious to the passage of Ethyleneimine, and which would prevent the entry of Ethyleneimine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving Ethyleneimine within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving Ethyleneimine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of Ethyleneimine into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to Ethyleneimine.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing Ethyleneimine. A regulated area shall be established by an employer where Ethyleneimine is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with Ethyleneimine within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where Ethyleneimine is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while Ethyleneimine is contained within: Access shall be restricted to authorized employees only.

(c) Open Vessel System Operations. Open vessel system operations as defined in subsection (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods", or in locations where Ethyleneimine is contained in an otherwise "closed system", but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in Ethyleneimine handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with WAC 296-24-081 of the General Safety and Health Standards.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the

point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, where direct contact with Ethyleneimine could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with WAC 296-24-075, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of Ethyleneimine:~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures:~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory type hoods or glove boxes:~~

~~(iii) Surfaces on which Ethyleneimine is handled shall be protected from contamination:~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released:~~

~~(v) All other forms of Ethyleneimine shall be inactivated prior to disposal:~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers:~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to shower after the last exit of the day:~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat:~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities:~~

~~(ix) Air pressure in laboratory areas and animal rooms where Ethyleneimine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated:~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system:~~

~~(xi) A current inventory of Ethyleneimine shall be maintained:~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation:))~~

(4) General regulated area requirements.

(a) ~~((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.~~

(b)) Emergencies. In an emergency, immediate measures including, but not limited, to the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.

(iv) Where an employee has a known contact with Ethyleneimine, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.

(vi) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level with locations where a direct exposure of Ethyleneimine would be most likely as a result of equipment failure, or improper work practice.

~~((c))~~ (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided.

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

~~((d))~~ (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove Ethyleneimine from the surfaces of materials, equipment and the decontamination facility.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedure that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of Ethyleneimine and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of Ethyleneimine and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words 'CANCER-SUSPECT AGENT' displayed immediately under or adjacent to the contents identification.

(iv) Containers which have Ethyleneimine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of Ethyleneimine, including local and systemic toxicity;

(B) The specific nature of the operation involving Ethyleneimine which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of Ethyleneimine.

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and implant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of Ethyleneimine in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which Ethyleneimine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of Ethyleneimine into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examination. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

WAC 296-62-07321 BETA-PROPIOLACTONE. (1) Scope and application.

(a) This section applies to any area in which beta-Propiolactone, Chemical Abstracts Service Registry Number 57578 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of beta-Propiolactone.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu\text{m}$  particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of beta-Propiolactone. The clean change room shall be contiguous to and

have and entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving beta-Propiolactone where containment prevents the release of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of beta-Propiolactone or its safe disposal.

(f) "Disposal" means the safe removal of beta-Propiolactone from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of beta-Propiolactone which may result in exposure to or contact with beta-Propiolactone.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of beta-Propiolactone, which is impervious to the passage of beta-Propiolactone, and which would prevent the entry of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving beta-Propiolactone within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving beta-Propiolactone in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of beta-Propiolactone into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to beta-Propiolactone.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing beta-Propiolactone. A regulated area shall be established by an employer where beta-Propiolactone is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with beta-Propiolactone within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where beta-Propiolactone is stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while beta-Propiolactone is contained within. Access shall be restricted to authorized personnel only.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where beta-Propiolactone is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in beta-Propiolactone handling operations shall be provided with and required to wear and use a full-face, supplied air respirator, of the continuous flow or pressure-demand type, in accordance with chapter 296-24 Wac, the General Safety and Health Standards.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with beta-Propiolactone could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f)) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of beta-Propiolactone.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures.~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.~~

~~(iii) Surfaces on which beta-Propiolactone is handled shall be protected from contamination.~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.~~

~~(v) All other forms of beta-Propiolactone shall be inactivated prior to disposal.~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers.~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to shower after the last exit of the day.~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.~~

~~(ix) Air pressure in laboratory areas and animal rooms where beta-Propiolactone is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system.~~

~~(xi) A current inventory of beta-Propiolactone shall be maintained.~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.)~~

~~(4) General regulated area requirements.~~

~~(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited, to the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.~~

~~(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.~~

~~(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.~~

~~(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.~~

~~(iv) Where an employee has a known contact with beta-Propiolactone, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.~~

~~(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.~~

~~((e)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.~~

~~(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.~~

~~(iii) Where employees are required by this section to shower, shower facilities shall be provided.~~

~~(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.~~

~~(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.~~

~~(C) Showers shall be provided with hot and cold water feeding a common discharge line.~~

~~(D) Employees who use showers shall be provided with individual clean towels.~~

~~(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.~~

~~(v) Where toilets are in regulated areas, such toilets shall be in a separate room.~~

~~((f)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.~~

~~(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.~~

~~(iii) Decontamination procedures shall be established and implemented to remove beta-Propiolactone from the surfaces of materials, equipment and the decontamination facility.~~

~~(5) Signs, information and training.~~

~~(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:~~

CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY

- (ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS AREA IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

- (iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedure that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of beta-Propiolactone and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of beta-Propiolactone and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have beta-Propiolactone contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of beta-Propiolactone, including local and systemic toxicity;

(B) The specific nature of the operation involving beta-Propiolactone which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of beta-Propiolactone;

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and inplant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of beta-Propiolactone in each regulated area;

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which beta-Propiolactone is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of beta-Propiolactone into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

**AMENDATORY SECTION** (Amending Order 74-35, filed 9/20/74)

**WAC 296-62-07323 2-ACETYLAMINOFLUORENE. (1) Scope and application.**

(a) This section applies to any area in which 2-Acetylaminofluorene, Chemical Abstracts Service Registry Number 53963 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 2-Acetylaminofluorene.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$ m particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of



2-Acetylaminofluorene. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving 2-Acetylaminofluorene where containment prevents the release of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of 2-Acetylaminofluorene or its safe disposal.

(f) "Disposal" means the safe removal of 2-Acetylaminofluorene from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 2-Acetylaminofluorene which may result in exposure to or contact with 2-Acetylaminofluorene.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of 2-Acetylaminofluorene, which is impervious to the passage of 2-Acetylaminofluorene, and which would prevent the entry of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 2-Acetylaminofluorene within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving 2-Acetylaminofluorene in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 2-Acetylaminofluorene into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 2-Acetylaminofluorene.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing 2-Acetylaminofluorene. A regulated area shall be established by an employer where 2-Acetylaminofluorene is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with 2-Acetylaminofluorene within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where 2-Acetylaminofluorene is stored in sealed containers, or contained in a closed system, including piping systems with any sample ports or openings closed while 2-Acetylaminofluorene is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where 2-Acetylaminofluorene is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 2-Acetylaminofluorene handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 2-Acetylaminofluorene could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of 2-Acetylaminofluorene.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures.~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.~~

~~(iii) Surfaces on which 2-Acetylaminofluorene is handled shall be protected from contamination.~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.~~

~~(v) All other forms of 2-Acetylaminofluorene shall be inactivated prior to disposal.~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day.~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat.~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~



~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities.~~

~~(ix) Air pressure in laboratory areas and animal rooms where 2-Acetylaminofluorene is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system.~~

~~(xi) A current inventory of 2-Acetylaminofluorene shall be maintained.~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.~~

(4) General regulated area requirements.

(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.

(b)) Emergencies. In an emergency, immediate measures including, but not limited, to the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.

(iv) Where an employee has known contact with 2-Acetylaminofluorene such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.

((c)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided.

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

((d)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 2-Acetylaminofluorene from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedure that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of 2-Acetylaminofluorene and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 2-Acetylaminofluorene and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 2-Acetylaminofluorene contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of 2-Acetylaminofluorene including local and systemic toxicity;

(B) The specific nature of the operation involving 2-Acetylaminofluorene which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 2-Acetylaminofluorene.

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

## (6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health, any changes in such information shall be similarly reported in writing within 15 calendar day of such change.

(i) A brief description and inplant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 2-Acetylaminofluorene in each regulated area.

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which 2-Acetylaminofluorene is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of 2-Acetylaminofluorene into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

**AMENDATORY SECTION** (Amending Order 74-35, filed 9/20/74)**WAC 296-62-07325 4-DIMETHYLAMINOAZOBENZENE.****(1) Scope and application.**

(a) This section applies to any area in which 4-Dimethylaminoazobenzene, Chemical Abstracts Service Registry

Number 60117 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of 4-Dimethylaminoazobenzene.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu\text{m}$  particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of 4-Dimethylaminoazobenzene. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving 4-Dimethylaminoazobenzene where containment prevents the release of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of 4-Dimethylaminoazobenzene or its safe disposal.

(f) "Disposal" means the safe removal of 4-Dimethylaminoazobenzene from the work environment.

(g) "Emergency" means an unforeseen circumstance or set of circumstances resulting in the release of 4-Dimethylaminoazobenzene which may result in exposure to or contact with 4-Dimethylaminoazobenzene.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of 4-Dimethylaminoazobenzene, which is impervious to the passage of 4-Dimethylaminoazobenzene, and which would prevent the entry of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving 4-Dimethylaminoazobenzene within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open vessel system" means an operation involving 4-Dimethylaminoazobenzene in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of 4-Dimethylaminoazobenzene into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to 4-Dimethylaminoazobenzene.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing 4-Dimethylaminoazobenzene. A regulated area shall be established by an employer where 4-Dimethylaminoazobenzene is manufactured, processed, used, repackaged, released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with 4-Methylaminoazobenzene within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where 4-Methylaminoazobenzene is stored in sealed containers, or contained in a closed system, including piping systems with any sample ports or openings closed while 4-Methylaminoazobenzene is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where 4-Methylaminoazobenzene is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in 4-Methylaminoazobenzene handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with 4-Methylaminoazobenzene could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of 4-Methylaminoazobenzene.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures.~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory type hoods or glove boxes.~~

~~(iii) Surfaces on which 4-Methylaminoazobenzene is handled shall be protected from contamination.~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released.~~

~~(v) All other forms of 4-Methylaminoazobenzene shall be inactivated prior to disposal.~~

~~(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.~~

~~(vii) Employees engaged in animal support activities shall be:~~

~~(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of~~

~~decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and~~

~~(D) Required to shower after the last exit of the day.~~

~~(viii) Employees, other than those engaged only in animal support activities, each day shall be:~~

~~(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat;~~

~~(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section.~~

~~(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities;~~

~~(ix) Air pressure in laboratory areas and animal rooms where 4-Methylaminoazobenzene is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated.~~

~~(x) There shall be no connection between regulated areas and any other areas through the ventilation system.~~

~~(xi) A current inventory of 4-Methylaminoazobenzene shall be maintained.~~

~~(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation.)~~

~~(4) General regulated area requirements.~~

~~(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.~~

~~(b)) Emergencies. In an emergency, immediate measures including, but not limited, to the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.~~

~~(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.~~

~~(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.~~

~~(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.~~

~~(iv) Where an employee has a known contact with 4-Methylaminoazobenzene such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.~~

~~(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.~~

~~((c)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.~~

~~(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-24-12009, of the General Safety and Health Standards.~~

~~(iii) Where employees are required by this section to shower, shower facilities shall be provided.~~

~~(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.~~

~~(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.~~

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

~~((d))~~ (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove 4-Methylaminoazobenzene from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedure that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of 4-Methylaminoazobenzene and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification, of the carcinogen and percent.

(ii) Containers of 4-Methylaminoazobenzene and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have 4-Methylaminoazobenzene contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instructions required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of 4-Methylaminoazobenzene including local and systemic toxicity;

(B) The specific nature of the operation involving 4-Methylaminoazobenzene which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of 4-Methylaminoazobenzene.

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and implant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of 4-Methylaminoazobenzene in each regulated area.

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which 4-Methylaminoazobenzene is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of 4-Methylaminoazobenzene into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) an analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event

that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

#### AMENDATORY SECTION (Amending Order 74-35, filed 9/20/74)

#### WAC 296-62-07327 N-NITROSODIMETHYLAMINE—CARCINOGEN STANDARD REPORT FORM. (1) Scope and application.

(a) This section applies to any area in which N-Nitrosodimethylamine, Chemical Abstracts Service Registry Number 62759 is manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under (5)(b), (c) and (d) of this section.

(b) This section shall not apply to solid or liquid mixtures containing less than 1.0 percent by weight or volume of N-Nitrosodimethylamine.

(2) Definitions. For the purposes of this section:

(a) "Absolute filter" is one capable of retaining 99.97 percent of a mono disperse aerosol of 0.3  $\mu$ m particles.

(b) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer.

(c) "Clean change room" means a room where employees put on clean clothing and/or protective equipment in an environment free of N-Nitrosodimethylamine. The clean change room shall be contiguous to and have an entry from a shower room, when the shower room facilities are otherwise required in this section.

(d) "Closed system" means an operation involving N-Nitrosodimethylamine where containment prevents the release of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment.

(e) "Decontamination" means the inactivation of N-Nitrosodimethylamine or its safe disposal.

(f) "Disposal" means the safe removal of N-Nitrosodimethylamine from the work environment.

(g) "Emergency" means an unforeseen circumstances or set of circumstances resulting in the release of N-Nitrosodimethylamine which may result in exposure to or contact with N-Nitrosodimethylamine.

(h) "External environment" means any environment external to regulated and nonregulated areas.

(i) "Isolated system" means a fully enclosed structure other than the vessel of containment of N-Nitrosodimethylamine, which is impervious to the passage of N-Nitrosodimethylamine, and which would prevent the entry of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment, should leakage or spillage from the vessel of containment occur.

(j) "Laboratory type hood" is a device enclosed on three sides and the top and bottom, designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute; designed, constructed, and maintained in such a way that an operation involving N-Nitrosodimethylamine within the hood does not require the insertion of any portion of any employees' body other than his hands and arms.

(k) "Nonregulated area" means any area under the control of the employer where entry and exit is neither restricted nor controlled.

(l) "Open-vessel system" means an operation involving N-Nitrosodimethylamine in an open vessel, which is not in an isolated system, a laboratory type hood, nor in any other system affording equivalent protection against the entry of N-Nitrosodimethylamine into regulated areas, nonregulated areas, or the external environment.

(m) "Protective clothing" means clothing designed to protect an employee against contact with or exposure to N-Nitrosodimethylamine.

(n) "Regulated area" means an area where entry and exit is restricted and controlled.

(3) Requirements for areas containing N-Nitrosodimethylamine. A regulated area shall be established by an employer where N-Nitrosodimethylamine is manufactured, processed, used, repackaged,

released, handled or stored. All such areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated Systems. Employees working with N-Nitrosodimethylamine within an isolated system such as a "glove box" shall wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed System Operation. Within regulated areas where N-Nitrosodimethylamine is stored in sealed containers, or contained in a closed system, including piping systems with any sample ports or openings closed while N-Nitrosodimethylamine is contained within:

(i) Access shall be restricted to authorized employees only;

(ii) Employees shall be required to wash hands, forearms, face and neck upon each exit from the regulated areas, close to the point of exit and before engaging in other activities.

(c) Open Vessel System Operations. Open vessel system operations as defined in subdivision (2)(l) of this section are prohibited.

(d) Transfer From a Closed System, Charging or Discharging Point Operations, or Otherwise Opening a Closed System. In operations involving "laboratory type hoods," or in locations where N-Nitrosodimethylamine is contained in an otherwise "closed system," but is transferred, charged, or discharged into other normally closed containers, the provisions of this subdivision shall apply.

(i) Access shall be restricted to authorized employees only;

(ii) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(iii) Employees shall be provided with, and required to wear, clean, full body protective clothing (smocks, coveralls, or long-sleeved shirt and pants), shoe covers and gloves prior to entering the regulated area.

(iv) Employees engaged in N-Nitrosodimethylamine handling operations shall be provided with and required to wear and use a half-face, filter-type respirator for dusts, mists, and fumes, in accordance with chapter 296-24 WAC, the General Safety and Health Standards. A respirator affording higher levels of protection may be substituted.

(v) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified, as required under (5)(b), (c) and (d) of this section.

(vi) Employees shall be required to wash hands, forearms, face and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities.

(vii) Employees shall be required to shower after the last exit of the day.

(viii) Drinking fountains are prohibited in the regulated area.

(e) Maintenance and Decontamination Activities. In cleanup of leaks or spills, maintenance or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with N-Nitrosodimethylamine could result, each authorized employee entering the area shall:

(i) Be provided with and required to wear clean, impervious garments, including gloves, boots and continuous-air supplied hood in accordance with chapter 296-24 WAC, the General Safety and Health Standards.

(ii) Be decontaminated before removing the protective garments and hood;

(iii) Be required to shower upon removing the protective garments and hood.

~~((f) Laboratory Activities. The requirements of this subdivision shall apply to research and quality control activities involving the use of N-Nitrosodimethylamine.~~

~~(i) Mechanical pipetting aids shall be used for all pipetting procedures.~~

~~(ii) Experiments, procedures and equipment which could produce aerosols shall be confined to laboratory-type hoods or glove boxes.~~

~~(iii) Surfaces on which N-Nitrosodimethylamine is handled shall be protected from contamination.~~

~~(iv) Contaminated wastes and animal carcasses shall be collected in impervious containers which are closed and decontaminated prior to~~

removal from the work area. Such wastes and carcasses shall be incinerated in such a manner that no carcinogenic products are released:

(v) All other forms of N-Nitrosodimethylamine shall be inactivated prior to disposal:

(vi) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters:

(vii) Employees engaged in animal support activities shall be:

(A) Provided with, and required to wear, a complete protective clothing change, clean each day, including coveralls or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices; and

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities; and

(D) Required to shower after the last exit of the day:

(viii) Employees, other than those engaged only in animal support activities, each day shall be:

(A) Provided with and required to wear a clean change of appropriate laboratory clothing, such as a solid front gown, surgical scrub suit, or fully buttoned laboratory coat:

(B) Prior to each exit from a regulated area, employees shall be required to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day, to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of such impervious containers shall be identified as required under (5)(b), (c) and (d) of this section:

(C) Required to wash hands, forearms, face and neck upon each exit from the regulated area close to the point of exit, and before engaging in other activities:

(ix) Air pressure in laboratory areas and animal rooms where N-Nitrosodimethylamine is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas or the external environment unless decontaminated:

(x) There shall be no connection between regulated areas and any other areas through the ventilation system:

(xi) A current inventory of N-Nitrosodimethylamine shall be maintained:

(xii) Ventilated apparatus such as laboratory type hoods, shall be tested at least semi-annually or immediately after ventilation modification or maintenance operations, by personnel fully qualified to certify correct containment and operation:))

(4) General regulated area requirements.

(a) ((Employee Identification. A daily roster of employees entering regulated areas shall be established and maintained. The rosters or a summary of the rosters, shall be retained for a period of 20 years. The rosters and/or summaries shall be provided upon request to the director. In the event that the employer ceases business without a successor, rosters shall be forwarded by registered mail to the director.

(b)) Emergencies. In an emergency, immediate measures including, but not limited, to the requirements of (4)(b)(i), (ii), (iii), (iv) and (v) of this section shall be implemented.

(i) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(ii) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(iii) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with (6)(b) of this section.

(iv) Where an employee has a known contact with N-Nitrosodimethylamine such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(v) An incident report on the emergency shall be reported as provided in (6)(b) of this section.

((c)) (b) Hygiene Facilities and Practices. (i) Storage or consumption of food, storage or use of containers of beverages, storage or

application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(ii) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296.24.12009, of the General Safety and Health Standards.

(iii) Where employees are required by this section to shower, shower facilities shall be provided.

(A) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(B) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-24-12009, of the General Safety and Health Standards.

(C) Showers shall be provided with hot and cold water feeding a common discharge line.

(D) Employees who use showers shall be provided with individual clean towels.

(iv) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing, for the number of such employees required to change clothes.

(v) Where toilets are in regulated areas, such toilets shall be in a separate room.

((dd)) (c) Contamination Control. (i) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(ii) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(iii) Decontamination procedures shall be established and implemented to remove N-Nitrosodimethylamine from the surfaces of materials, equipment and the decontamination facility.

(iv) Dry sweeping and dry mopping are prohibited.

(5) Signs, information and training.

(a) Signs. (i) Entrances to regulated areas shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT  
AUTHORIZED PERSONNEL ONLY**

(ii) Entrances to regulated areas containing operations covered in (3)(e) of this section shall be posted with signs bearing the legend:

**CANCER-SUSPECT AGENT EXPOSED IN THIS  
AREA IMPERVIOUS SUIT INCLUDING GLOVES,  
BOOTS, AND AIR-SUPPLIED HOOD REQUIRED  
AT ALL TIMES AUTHORIZED PERSONNEL ONLY**

(iii) Appropriate signs and instructions shall be posted at the entrance to, and exit from, regulated areas, informing employees of the procedure that must be followed in entering and leaving a regulated area.

(b) Container Contents Identification. (i) Containers of N-Nitrosodimethylamine and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible only to, and handled only by, authorized employees, or by other employees trained in accordance with (5)(e) of this section, may have contents identification limited to a generic or proprietary name, or other proprietary identification of the carcinogen and percent.

(ii) Containers of N-Nitrosodimethylamine and containers required under (3)(d)(v) and (3)(f)(vii)(B) and (3)(f)(viii)(B) of this section which are accessible to, or handled by employees other than authorized employees or employees trained in accordance with (5)(e) of this section shall have contents identification which includes the full chemical name and Chemical Abstracts Service Registry number as listed in (1)(a) of this section.

(iii) Containers shall have the warning words "CANCER-SUSPECT AGENT" displayed immediately under or adjacent to the contents identification.

(iv) Containers which have N-Nitrosodimethylamine contents with corrosive or irritating properties shall have label statements warning of such hazards, noting, if appropriate, particularly sensitive or affected portions of the body.

(c) Lettering. Lettering on signs and instruction required by (5)(a) of this section shall be a minimum letter height of 2 inches. Labels on



containers required under this section shall not be less than 1/2 the size of the largest lettering on the package, and not less than 8 point type in any instance: PROVIDED, That no such required lettering need be more than 1 inch in height.

(d) Prohibited Statements. No statements shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(e) Training and Indoctrination. (i) Each employee prior to being authorized to enter a regulated area, shall receive a training and indoctrination program including, but not necessarily limited to:

(A) The nature of the carcinogenic hazards of ((H-Nitrosodimethylamine—[N-Nitrosodimethylamine])) N-Nitrosodimethylamine, including local and systemic toxicity;

(B) The specific nature of the operation involving N-Nitrosodimethylamine which could result in exposure;

(C) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination;

(D) The purpose for and application of decontamination practices and purposes;

(E) The purpose for and significance of emergency practices and procedures;

(F) The employee's specific role in emergency procedures;

(G) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of N-Nitrosodimethylamine.

(H) The purpose for and application of specific first aid procedures and practices;

(ii) A review of this section at the employee's first training and indoctrination program and annually thereafter.

(iii) Specific emergency procedures shall be prescribed, and posted, and employees, shall be familiarized with their terms, and rehearsed in their application.

(iv) All materials relating to the program shall be provided upon request to the director.

(6) Reports.

(a) Operations. Not later than October 30, 1974, the information required in (6)(a)(i), (ii), (iii), and (iv) of this section shall be reported in writing to the Industrial Hygiene Section, Division of Industrial Safety and Health. Any changes in such information shall be similarly reported in writing within 15 calendar days of such change.

(i) A brief description and inplant location of the area(s) regulated and the address of each regulated area;

(ii) The name(s) and other identifying information as to the presence of N-Nitrosodimethylamine in each regulated area.

(iii) The number of employees in each regulated area, during normal operations including maintenance activities and

(iv) The manner in which N-Nitrosodimethylamine is present in each regulated area; e.g. whether it is manufactured, processed, used, repackaged, released, stored, or otherwise handled.

(b) Incidents. Incidents which result in the release of N-Nitrosodimethylamine into any area where employees may be potentially exposed shall be reported in accordance with this subdivision.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the Industrial Hygiene Section, Division of Industrial Safety and Health.

(ii) A written report shall be filed with the Industrial Hygiene Section, Division of Industrial Safety and Health, within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released, the amount of time involved, and an explanation of the procedure used in determining this figure;

(B) A description of the area involved, and the extent of known and possible employee exposure and area contamination, and

(C) A report of any medical treatment of affected employees, and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(7) Medical surveillance. At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(a) Examinations. (i) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided. The examination shall include the personal history of the employee, family and occupational background, including genetic and environmental factors.

(ii) Authorized employees shall be provided periodic physical examinations, not less often than annually, following the preassignment examination.

(iii) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(b) Records. (i) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(ii) Records required by this subdivision shall be provided upon request to the director; and upon request of an employee or former employee, to a physician designated by the employee or to a new employer.

(iii) Any employer who requests a physical examination of one of his employees or prospective employees as required by this subdivision shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

CARCINOGEN STANDARD  
REPORT

Company: .....  
Plant Address: .....  
Date: .....

Prepared By: .....  
Title: .....

COMPOUND AND OTHER IDENTIFYING INFORMATION	DESCRIPTION OF INPLANT LOCATION OF REGULATED AREA*	NUMBER OF EMPLOYEES IN EACH REGULATED AREA* NORMALLY MAINTENANCE	MANNER** IN WHICH COMPOUND IS PRESENT IN EACH REGULATED AREA*



- \* See each Carcinogen Section for definition of "Regulated Area".
- \*\* Indicated whether Manufactured, Processed, Used, Repackaged, Released, Stored, or if otherwise handled (describe).

**AMENDATORY SECTION** (Amending Order 75-41, filed 12/19/75)

**WAC 296-62-07329 VINYL CHLORIDE.** (1) Scope and application.

(a) This section includes requirements for the control of employee exposure to vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75014.

(b) This section applies to the manufacture, reaction, packaging, re-packaging, storage, handling or use of vinyl chloride or polyvinyl chloride, but does not apply to the handling or use of fabricated products made of polyvinyl chloride.

(c) This section applies to the transportation of vinyl chloride or polyvinyl chloride except to the extent that the Department of Transportation may regulate the hazards covered by this section.

(2) Definitions.

(a) "Action level" means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require him to enter a regulated area or any person entering such an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) "Director" means Chief, Industrial Hygiene Section, Department of Labor and Industries.

(d) "Emergency" means any occurrence such as, but not limited to, equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) "Fabricated product" means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) "Hazardous operation" means any operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(h) "Vinyl chloride" means vinyl chloride monomer.

(3) Permissible exposure limit.

(a) No employee may be exposed to vinyl chloride at concentrations greater than 1 ppm averaged over any 8-hour period, and

(b) No employee may be exposed to vinyl chloride at concentrations greater than 5 ppm averaged over any period not exceeding 15 minutes.

(c) No employee may be exposed to vinyl chloride by direct contact with liquid vinyl chloride.

(4) Monitoring.

(a) A program of initial monitoring and measurement shall be undertaken in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(b) Where a determination conducted under paragraph (4)(a) of this section shows any employee exposures without regard to the use of respirators, in excess of the action level, a program for determining exposures for each such employee shall be established. Such a program:

(i) Shall be repeated at least monthly where any employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(ii) Shall be repeated not less than quarterly where any employee is exposed, without regard to the use of respirators, in excess of the action level.

(iii) May be discontinued for any employee only when at least two consecutive monitoring determinations, made not less than 5 working days apart, show exposures for that employee at or below the action level.

(c) Whenever there has been a production, process or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, a determination of employee exposure under subsection (4)(a) of this section shall be performed

(d) The method of monitoring and measurement shall have an accuracy (with a confidence level of 95 percent) of not less than plus or

minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, plus or minus 25 percent over 1.0 ppm, (methods meeting these accuracy requirements are available from the director).

(e) Employees or their designated representatives shall be afforded reasonable opportunity to observe the monitoring and measuring required by this subdivision.

(5) Regulated area.

(a) A regulated area shall be established where:

(i) Vinyl chloride or polyvinyl chloride is manufactured, reacted, re-packaged, stored, handled or used; and

(ii) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(b) Access to regulated areas shall be limited to authorized persons. A daily roster shall be made of authorized persons who enter.

(6) Methods of compliance. Employee exposures to vinyl chloride shall be controlled to at or below the permissible exposure limit provided in subsection (3) of this section by engineering, work practice, and personal protective controls as follows:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to at or below the permissible exposure limit.

(b) Wherever feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to at or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with subsection (6) of this section. A program shall be established and implemented to reduce exposures to at or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as feasible.

(c) Written plans for such a program shall be developed and furnished upon request for examination and copying to the director. Such plans shall be updated at least every six months.

(7) Respiratory protection. Where respiratory protection is required under this section:

(a) The employer shall provide a respirator which meets the requirements of this subdivision and shall assure that the employee uses such respirator, except that until December 31, 1975, wearing of respirators shall be at the discretion of each employee for exposures not in excess of 25 ppm, measured over any 15-minute period. Until December 31, 1975, each employee who chooses not to wear an appropriate respirator shall be informed at least quarterly of the hazards of vinyl chloride and the purpose, proper use, and limitations of respirator devices.

(b) Respirators shall be selected from among those jointly approved by the Mining Enforcement and Safety Administration, Department of the Interior, and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11.

(c) A respiratory protection program meeting the requirements of chapter 296-24 WAC shall be established and maintained.

(d) Selection of respirators for vinyl chloride shall be as follows:

Atmospheric concentration of Vinyl Chloride	Required Apparatus
(i) Unknown, or above 3,600 ppm	Open-circuit, self-contained breathing apparatus, pressure demand type, with full facepiece.
(ii) Not over 3,600 ppm	(A) Combination type C supplied air respirator, pressure demand type, with full or half facepiece, and auxiliary self-contained air supply; or (B) Combination type C, supplied air respirator continuous flow type, with full or half facepiece, and auxiliary self-contained air supply.
(iii) Not over 1,000 ppm	Type C, supplied air respirator, continuous flow type, with full or half facepiece, helmet or hood.
(iv) Not over 100 ppm	(A) Combination type C supplied

Atmospheric  
concentration of  
Vinyl Chloride

Required Apparatus

air respirator demand type, with full facepiece, and auxiliary self-contained air supply; or  
 (B) Open-circuit self-contained breathing apparatus with full facepiece, in demand mode; or  
 (C) Type C supplied air respirator, demand type, with full facepiece.

(v) Not over 25 ppm — (A) A powered air-purifying respirator with hood, helmet, full or half facepiece, and a canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm, or  
 (B) Gas mask, front or back-mounted canister which provides a service life of at least 4 hours for concentrations of vinyl chloride up to 25 ppm.

(vi) Not over 10 ppm — (A) Combination type C supplied-air respirator, demand type, with half facepiece, and auxiliary self-contained air supply; or  
 (B) Type C supplied-air respirator, demand type, with half facepiece; or  
 (C) Any chemical cartridge respirator with an organic vapor cartridge which provides a service life of at least 1 hour for concentrations of vinyl chloride up to 10 ppm.

(e)(i) Entry into unknown concentrations or concentrations greater than 36,000 ppm (lower explosive limit) may be made only for purposes of life rescue; and  
 (ii) Entry into concentrations of less than 36,000 ppm, but greater than 3,600 ppm may be made only for purposes of life rescue, fire-fighting, or securing equipment so as to prevent a greater hazard from release of vinyl chloride.  
 (f) Where air-purifying respirators are used:  
 (i) Air-purifying canisters or cartridges shall be replaced prior to the expiration of their service life or the end of the shift in which they are first used, whichever occurs first, and  
 (ii) A continuous monitoring and alarm system shall be provided where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. Such system shall be used to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.  
 (g) Apparatus prescribed for higher concentrations may be used for any lower concentration.  
 (8) Hazardous operations.  
 (a) Employees engaged in hazardous operations, including entry of vessels to clean polyvinyl chloride residue from vessel walls, shall be provided and required to wear and use;  
 (i) Respiratory protection in accordance with subsections (3) and (6) of this section; and  
 (ii) Protective garments to prevent skin contact with liquid vinyl chloride or with polyvinyl chloride residue from vessel walls. The protective garments shall be selected for the operation and its possible exposure conditions.  
 (b) Protective garments shall be provided clean and dry for each use.  
 (i) Emergency situations. A written operational plan for emergency situations shall be developed for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide that:

(A) Employees engaged in hazardous operations or correcting situations of existing hazardous releases shall be equipped as required in subsection (8) of this section;  
 (B) Other employees not so equipped shall evacuate the area and not return until conditions are controlled by the methods required in subsection (6) of this section and the emergency is abated.  
 (9) Training. Each employee engaged in vinyl chloride or polyvinyl chloride operations shall be provided training in a program relating to the hazards of vinyl chloride and precautions for its safe use.  
 (a) The program shall include:  
 (i) The nature of the health hazard from chronic exposure to vinyl chloride including specifically the carcinogenic hazard;  
 (ii) The specific nature of operations which could result in exposure to vinyl chloride in excess of the permissible limit and necessary protective steps;  
 (iii) The purpose for, proper use, and limitations of respiratory protective devices;  
 (iv) The fire hazard and acute toxicity of vinyl chloride, and the necessary protective steps;  
 (v) The purpose for and a description of the monitoring program;  
 (vi) The purpose for and a description of, the medical surveillance program;  
 (vii) Emergency procedures:  
 (A) Specific information to aid the employee in recognition of conditions which may result in the release of vinyl chloride; and  
 (B) A review of this standard at the employee's first training and indoctrination program, and annually thereafter.  
 (b) All materials relating to the program shall be provided upon request to the director.  
 (10) Medical surveillance. A program of medical surveillance shall be instituted for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level. The program shall provide each such employee with an opportunity for examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee.  
 (a) At the time of initial assignment, or upon institution of medical surveillance;  
 (i) A general physical examination shall be performed with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (See Appendix A).  
 (ii) A medical history shall be taken, including the following topics:  
 (A) Alcohol intake,  
 (B) Past history of hepatitis,  
 (C) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals,  
 (D) Past history of blood transfusions, and  
 (E) Past history of hospitalizations.  
 (iii) A serum specimen shall be obtained and determinations made of:  
 (A) Total bilirubin,  
 (B) Alkaline phosphatase,  
 (C) Serum glutamic oxalacetic transaminase (SGOT),  
 (D) Serum glutamic pyruvic transaminase (SGPT), and  
 (E) Gamma glutamyl transpeptidase.  
 (b) Examinations provided in accordance with this subdivision shall be performed at least:  
 (i) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer; and  
 (ii) Annually for all other employees.  
 (c) Each employee exposed to an emergency shall be afforded appropriate medical surveillance.  
 (d) A statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators, shall be obtained from the examining physician promptly after any examination. A copy of the physician's statement shall be provided each employee.  
 (e) If any employee's health would be materially impaired by continued exposure, such employee shall be withdrawn from possible contact with vinyl chloride.  
 (f) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories licensed under 42 CFR Part 74.  
 (g) If the examining physician determines that alternative medical examinations to those required by subsection (10)(a) of this section

will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, the employer may accept such alternative examinations as meeting the requirements of subsection (10)(a) of this section, if the employer obtains a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying to authorized representatives of the director.

(11) Signs and labels.

(a) Entrances to regulated areas shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT AREA AUTHORIZED PERSONNEL ONLY**

(b) Areas containing hazardous operations or where an emergency currently exists shall be posted with legible signs bearing the legend:

**CANCER-SUSPECT AGENT IN THIS AREA PROTECTIVE EQUIPMENT REQUIRED AUTHORIZED PERSONNEL ONLY**

(c) Containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride shall be legibly labeled:

**CONTAMINATED WITH VINYL CHLORIDE CANCER-SUSPECT AGENT**

(d) Containers of polyvinyl chloride shall be legibly labeled:

**POLYVINYL CHLORIDE (OR TRADE NAME) CONTAINS VINYL CHLORIDE VINYL CHLORIDE IS A CANCER-SUSPECT AGENT**

(e) Containers of vinyl chloride shall be legibly labeled either:

**VINYL CHLORIDE EXTREMELY FLAMMABLE GAS UNDER PRESSURE CANCER-SUSPECT AGENT (or)**

(f) In accordance with 49 CFR Part 173, Subpart H, with the additional legends:

**CANCER-SUSPECT AGENT**

applied near the label or placard.

(g) No statement shall appear on or near any required sign, label or instruction which contradicts or detracts from the effect of any required warning, information or instruction.

(12) Records.

(a) All records maintained in accordance with this section shall include the name and social security number of each employee where relevant.

(b) Records of required monitoring and measuring, medical records and authorized personnel rosters, shall be made and shall be available upon request for examination and copying to the director.

(i) Monitoring and measuring records shall:

(A) State the date of such monitoring and measuring and the concentrations determined and identify the instruments and methods used;

(B) Include any additional information necessary to determine individual employee exposures where such exposures are determined by means other than individual monitoring of employees; and

(C) Be maintained for not less than 30 years.

(ii) ~~((Authorized personnel rosters shall be maintained for not less than 30 years.~~

(iii) Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.

(c) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the director, and each employee individually notified in writing of this transfer.

(d) Employees or their designated representatives shall be provided access to examine and copy records of required monitoring and measuring.

(e) Former employees shall be provided access to examine and copy required monitoring and measuring records reflecting their own exposures.

(f) Upon written request of any employee, a copy of the medical record of that employee shall be furnished to any physician designated by the employee.

(13) Reports.

(a) Not later than 1 month after the establishment of a regulated area, the following information shall be reported to the director. Any changes to such information shall be reported within 15 days.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(b) Emergencies and the facts obtainable at that time, shall be reported within 24 hours to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of similar nature.

(c) Within 10 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, each such employee shall be notified in writing of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

(i) Effective January 1, 1975, the provisions set forth in WAC 296-62-07329 shall apply.

**APPENDIX A SUPPLEMENTARY MEDICAL INFORMATION**

When required tests under paragraph (10)(a) of this section show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

(A) For kidney dysfunction: urine examination for albumin, red blood cells, and exfoliative abnormal cells.

(B) Pulmonary system: forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).

(C) Additional serum tests: lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.

(D) For a more comprehensive examination on repeated abnormal serum tests: hepatitis B antigen, and liver scanning.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 296-62-07305 4,4'-METHYLENE BIS (2-CHLOROANILINE).**

**AMENDATORY SECTION (Amending Order 77-12, filed 7/11/77)**

**WAC 296-78-030 CONSTRUCTION AND ISOLATED EQUIPMENT.** (1) Construction when not specifically covered in these standards shall be governed by such other standards adopted by the Department of Labor and Industries as may apply.

(2) All buildings, docks, tramways, walkways, log dumps and other structures shall be so designed, constructed, and maintained as to provide a safety factor of 4. This means that all members shall be capable of supporting four times the maximum load to be imposed. This provision refers to buildings, docks and so forth designed and constructed subsequent to the effective date of these standards and also refers in all cases where either complete or major changes or repairs are made to such buildings, docks, tramways, walkways, log dumps and other structures.

(3) Basements on ground floors under mills shall be as evenly surfaced as local conditions permit, free from unnecessary obstructions and debris, and provided with lighting facilities in compliance with the requirements of the General Occupational Health Standards, WAC 296-62-09003.

(4) All engines, motors, transmission machinery or operating equipment installed in mill basements or ground floors shall be equipped with standard safeguards for the protection of workers.

(5) Hazard marking. Physical hazard marking shall be as specified in WAC 296-24-135 through 296-24-13503 of the General Safety and Health Standards.

(6) Flooring of buildings, ramps and walkways not subject to supporting motive equipment shall be of not less than two inch wood planking or material of equivalent structural strength.

(7) Flooring of buildings, ramps, docks, trestles and other structure required to support motive equipment shall be of not less than full two

and one-half inch wood planking or material of equivalent structural strength. However, where flooring is covered by steel floor plates, ((2)) two inch wood planking or material of equivalent structural strength may be used.

(8) Walkways, docks, and platforms.

((††)) (a) Walkways. Docks and platforms shall be constructed and maintained in accordance with the requirements of the General Safety and Health Standards, WAC 296-24-735 through 296-24-75011.

((††)) (b) Maintenance. Walkways shall be evenly floored and kept in good repair.

((†††)) (c) Where elevated platforms are used they shall be equipped with stairways or ladders in accordance with the General Safety and Health Standards, WAC 296-24-765 through 296-24-81013.

(9) All floor openings either temporary or permanent, shall be protected as required by the General Safety and Health Standards, WAC 296-24-750 through 296-24-75011.

(10) The area under floor openings shall, where practical, be fenced off. When this is not practical, the areas shall be plainly marked with yellow lines and telltails shall be installed to hang within five and one-half feet of the ground or floor level.

(11) Where floor openings are used to drop materials from one level to another, audible warning systems shall be installed and used to indicate to employees on the lower level that material is to be dropped.

(12) Faces of docks except on loading and unloading sides of rail and truck loading platforms, and runways used for the operation of lift trucks and other vehicles shall have a guard or shear timber eight by eight inches set over three inch blocks and securely fastened to the floor by bolts of not less than 5/8" diameter.

(13) The flooring of buildings, docks and passageways shall be kept in good repair at all times. When a hazardous condition develops that cannot be immediately repaired, the area shall be fenced off and not used until adequate repairs are made.

(14) All working areas shall be kept free from unnecessary obstruction and debris.

(15) Floors around machines and other places where workers are required to stand shall be provided with effective means to prevent slipping.

(16) All footwalks and passageways subject to slipping hazards due to peculiarities of conditions or processes of the operation shall be provided with nonslip surfaces.

(17) Walkways in accordance with (8) of this section shall be provided over roll casings, transfer tables, conveyors or other moving parts except where stepping over such equipment is not in connection with usual and necessary traffic.

(18) Walkways alongside of sorting tables shall be of sufficient width to provide safe working area.

((††)) Such walkways shall be evenly floored and kept in good repair at all times. They shall be kept free from obstructions and debris.

(19) Walkways and stairways with standard hand rails shall be provided wherever space will permit, for oilers and other employees whose duties require them to go consistently to elevated and hazardous locations.

(a) Where such passageways are over walkways or work areas, standard toeboards shall be provided.

(b) Protection as required by the General Safety and Health Standard, WAC 296-24-205 through 296-24-20533 shall be provided against contact with transmission machinery or moving conveyors.

(20) Stairways shall be used in preference over ladders wherever possible. Stairways or ladders, whichever is used; it shall be constructed and maintained in accordance with the provisions of the General Safety and Health Standard, WAC 296-24-75009 through 296-24-81011.

(21) Doors shall not open directly on a flight of stairs.

(22) Permanent ladders shall be fastened securely at both top and bottom.

(23) Portable ladders shall not be used upon footing other than suitable type.

Hooks or other means of securing portable ladders when in use, shall be provided.

(24) Portable ladders shall not be used for oiling machinery which is in motion.

(25) In all enclosed buildings, means of egress shall be provided in accordance with the provisions of the General Safety and Health Standard, WAC 296-24-550 through 296-24-56531.

(26) All swinging doors shall be provided with windows, the bottom of which shall be not more than forty-eight inches above the floor. One

window shall be provided for each section of double swinging doors. All such windows shall be of shatter proof or safety glass unless otherwise protected against breakage.

(27) Outside exits shall open outward. Where sliding doors are used as exits, an inner door not less than two feet six inches by six feet shall be cut inside each of the main doors and arranged to open outward.

(28) At least two fire escapes or substantial outside stairways, shall be provided for mill buildings where the floor level is more than eight feet above the ground.

(a) Buildings over ((+50)) one hundred fifty feet in length shall have at least one additional fire escape or substantial outside stairway for each additional ((+50)) one hundred fifty feet of length or fraction thereof.

(b) Passageways to fire escapes or outside stairways shall be adequately marked and kept free of obstruction at all times.

(c) Fire protection. The requirements of WAC 296-24-585 through 296-24-62003 of the General Safety and Health Standard, shall be complied with in providing the necessary fire protection for sawmills.

(29) Where a doorway opens upon a roadway, railroad track, or upon a tramway or dock over which vehicles travel, a barricade or other safeguard and a warning sign shall be placed to prevent workers from stepping directly into moving traffic.

(30) Tramways and trestles shall be substantially supported by piling or framed bent construction which shall be frequently inspected and maintained in good repair at all times. Tramways or trestles used both for vehicular and pedestrian traffic shall have a walkway with standard hand rail at the outer edge and shear timber on the inner edge, and shall provide three feet clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of ((+2)) forty-two inches over such thoroughfares.

(31) Where tramways and trestles are built over railroads they shall have a vertical clearance of twenty-two feet above the top of the rails. When constructed over carrier docks or roads, they shall have a vertical clearance of not less than six feet above the drivers foot rest on the carrier, and in no event shall this clearance be less than twelve feet from the surface of the lower roadway or dock.

(32) Walkways (either temporary or permanent) shall be not less than twenty-four inches wide and two inches thick, nominal size, securely fastened at each end. When such walkways are used on an incline the angle shall not be greater than twenty degrees from horizontal.

(33) Walkways from the shore or dock to floats or barges shall be securely fastened at the shore end only and clear space provided for the other end to adjust itself to the height of the water.

(34) Cleats of one by four inch material shall be fastened securely across walkways at uniform intervals of eighteen inches whenever the grade is sufficient to create a slipping hazard.

(35)(a) Inclined cableways shall have a central line between the rails in practical alignment with the center of the hoisting drums. A substantial bumper shall be installed at the foot of each incline.

(b) Barricades or warning signs shall be installed to warn pedestrians to stand clear of the cables on inclined cableways. The cables shall not be put into motion without activating an alarm system, either audible or visible, which will inform anyone on the tracks to stand clear.

(36) Employees shall not ride on or stand below the cars on an inclined cableway.

(37) All open vats and tanks into which workers may fall shall be guarded with standard railings or screen guards in all cases where such guarding is possible with regard to practical operation.

(38) Foundations of elevated tanks shall be accessible for inspections. When the tank platform is more than five ((+5)) feet above the ground a stairway or ladder shall be permanently attached.

(39) Every open tank over five feet in height shall be equipped with fixed standard ladders both inside and out, extending from the bottom to the rim of the tank arranged to be accessible to each other, so far as local conditions permit.

(40) The use of chemicals for treating of lumber for prevention of sap stain or mold or as preservatives, shall be controlled in such a manner as to protect workers from contact with toxic materials.

(a) Storage, handling, and use of chemicals. Threshold limits. Employees shall not be exposed to airborne concentration of toxic dusts, fumes, vapors, mists or gases that exceed the threshold limit values set forth in WAC 296-62-070 through 296-62-080 of the General Occupational Health Standards.

(b) Protective equipment. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials.

Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by WAC 296-24-075 through 296-24-092 of the General Safety and Health Standards.

(41) Means shall be provided and used to collect any excess of chemicals used in treating lumber so as to protect workers from accidental contact with harmful concentrations of toxic chemicals or fumes.

(42) Where workers are engaged in the treating of lumber with chemicals or are required to handle lumber so treated they shall be provided with and required to use such protective equipment as will provide complete protection against contact with toxic chemicals or fumes therefrom.

(43) Sanitation requirements. The requirements of WAC 296-24-120 through 296-24-13013 of the General Safety and Health Standards, shall govern sanitation practices.

(44) The sides of steam vats and soaking pits unless otherwise guarded shall extend forty-two inches above the floor level. The floor adjacent thereto shall be of nonslip construction.

(45) Large steam vats or soaking pits, divided into sections, shall be provided with substantial walkways between each section, each walkway to be provided with standard railings which may be removable if necessary.

(46) Dry kilns shall be so constructed upon solid foundations that tracks will not sag. Dry kilns shall be provided with suitable walkways. Each kiln shall have doors that operate from the inside or be provided with special escape doors operated from the inside and located in or near the main door. Escape doors shall swing in the direction of exit.

Ladders. A fixed ladder, in accordance with the requirements of WAC 296-24-810 through 296-24-81009 of the General Safety and Health Standards, or other adequate means shall be provided to permit access to the roof. Where controls and machinery are mounted on the roof, a permanent stairway with standard handrail shall be installed in accordance with the requirements of WAC 296-24-765 through 296-24-76523 of the General Safety and Health Standards.

(47) A heated room shall be provided for the use of kiln inspector in inclement weather. He should remain in such room for at least ten minutes after leaving a hot kiln before going into cold outside air.

(48) Where operating pits are used, they shall be well ventilated, drained and lighted. Substantial gratings shall be installed at the kiln floor line. Steam lines shall be provided with adequate insulation wherever exposed to contact by employees. Fans shall be enclosed by standard safeguards.

(49) Mechanical equipment. All belts, pulleys, blowers, and other exposed moving equipment used in or about kilns shall be guarded in accordance with the requirements of WAC 296-24-205 through 296-24-20533 of the General Safety and Health Standards.

(50) Air requirements in buildings, where persons are habitually employed, shall meet the requirements of the General Occupational Health Standard, WAC 296-62-100 through 296-62-11013.

(51) Where the natural ventilation is not sufficient to remove dust, fumes or vapors that shall create or constitute a hazard, additional means of removal shall be provided.

(52) In lieu of a general ventilating system, local exhaust or blower units may be installed on the dust or fume producing machine, provided the required protection may be secured thereby.

(53) Fans used for ventilating shall be of ample capacity, as evidenced by the performance schedules of the manufacturers, and shall be guarded when exposed to contact. Hoods, dust conveyors, dust collectors and other accessory equipment necessary shall be large enough to insure free intake and discharge.

(54) The outlet or discharge of all ventilating equipment shall be so arranged that at no time will the dust, vapors, gases or other air borne impurities discharged, create or constitute a hazard.

(55) When proper ventilation is not provided, and temporary hazardous conditions are therefore encountered, the employer shall furnish approved protective respiratory and visual equipment: PROVIDED, HOWEVER, That the exposure to such hazard shall not be of more than two hours' duration. Protective measures and equipment shall meet the requirements of the General Occupational Health Standard, WAC 296-62-070 through 296-62-09001 and the requirements of the General Safety and Health Standard, WAC 296-24-081 through 296-24-08113.

(56) All mills containing one or more machines whose operations are attended by the creation of dust, shavings, chips or slivers during a period of time equal to or greater than one-fourth of the working day

shall be equipped with a collecting system, either continuous or automatic in action of sufficient strength and capacity to enable it to remove thoroughly such refuse from the points of operation and immediate vicinities of machines and work areas.

Blower, Collecting, and Exhaust Systems. Design, construction, and maintenance. Blower collecting, and exhaust systems shall be designed, constructed, and maintained in accordance with American National Standards Z33.1-1961 (For the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying) and Z12.2-1962 (R1969) (Code for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants).

(57) Each woodworking machine whose operations are attended by the creation of dust, shavings, chips, slivers, etc., shall be equipped with an exhaust or conveyor system so located and adjusted as to remove the maximum amount of refuse material from the point of operation and immediate vicinity.

(58) Where a hood is used to form a part or all of the guard required on a given machine, it shall be constructed of not less than ten U.S. gauge sheet metal, or if of cast iron it shall be not less than three-sixteenths inches in thickness.

~~(59) ((All exhaust pipes shall be of such construction and internal dimensions as to minimize the possibility of clogging. They shall be readily accessible for cleaning.~~

~~(60))~~ All exhaust pipes shall empty into settling or dust chambers which shall effectively prevent the dust or refuse from entering any work area. Such settling or dust chambers shall be so designed and operated as to reduce to a minimum the danger of fire or dust explosions.

~~((61))~~ (60) Provisions for the daily removal of refuse shall be made in all operations not required to have an exhaust system, or having refuse too heavy, or bulky, or otherwise unsuitable to be handled by the exhaust system.

~~((62))~~ (61) All spray painting operations shall be carried on in accordance with the requirements of the General Safety and Health Standard, WAC 296-24-370 through 296-24-37027 and the General Occupation Health Standard, WAC 296-62-11019.

~~((63))~~ (62) Lighting.

(a) Adequacy. Illumination shall be provided and designed to supply adequate general and local lighting to rooms, buildings, and work areas during the time of use.

(b) Effectiveness. Factors upon which the adequacy and effectiveness of illumination will be judged, include the following:

(i) The quantity of light in footcandle intensity shall be sufficient for the work being done.

(ii) The quality of the light shall be such that it is free from glare, and has correct direction, diffusion, and distribution.

(iii) Shadows and extreme contrasts shall be avoided or kept to a minimum.

(c) Specific light footcandle tables are contained in the General Occupational Health Standards, WAC 296-62-09003. These standards shall be used as a minimum guideline.

~~((64))~~ (63) Gas piping and appliances. All gas piping and appliances shall be installed in accordance with the American National Standard Requirements for Gas Appliances and Gas Piping Installations, Z21.30-1964.

#### AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

**WAC 296-79-300 MACHINE ROOM EQUIPMENT AND PROCEDURES.** (1) Lock-out and tag-out procedures to be followed. Lock-out and tag-out requirements and procedures contained in these standards shall be complied with.

(2) Stopping devices for pulp and paper machines. Pulp and paper machines shall be equipped with stopping devices. The devices shall be located where they can be used readily to stop the machines or sections of the machine.

(3) Walkways. Steps and footwalks along the fourdrinier and press section shall have nonslip surfacing and be complete with standard handrails, when practical.

(4) Machine lubrication. If a machine must be lubricated while in operation an automatic lubricating device shall be provided or oil cups and grease fittings shall be provided which can be serviced safely without exposing the worker to any hazards.

(5) Weights on levers. All levers carrying weights shall be so constructed that weights will not slip or fall off.

(6) Guarding inrunning nip points.

(a) The drums on pulp and paper machine winders shall be provided with suitable guards to prevent a person from being caught between

the roll and the front drum on the winder when the pinch point is on the operator's side. Any such guard shall be interlocked with the drive mechanism to prevent the winder from running while the guard is not in place except that the winder may be wired to allow it to run at a slow speed only for adjustment and start-up purposes while the guard is not in position. A zero speed switch or locking device shall be installed to prevent the guard from being removed while the roll is turning.

Paper machine winders when used to produce rolls of 15 inches or less in diameter may be exempted from this subsection but must comply with the provisions of (6)(b).

(b) Rewinders.

(i) When rewinding large rolls and the nip point is adjacent to the normal work area, the nip point shall be protected by a barrier guard. Such guard shall be interlocked with the drive mechanism to prevent operating the machine above jog speed without the guard in place. A zero speed switch shall be installed to prevent the guard from being raised while the roll is turning.

(ii) On small rolls 15 inches or less in diameter where barrier guards are impractical they shall not be required if the nip point is separated from the employees by at least 18" while operating at more than jog speed. When the rewinder is running at more than jog speed no worker shall place any part of his body closer than 18" from the nip.

(c) Inrunning nips where paper is not being fed into a calender should be protected by barriers.

(7) Audible alarm in dryer section. An audible alarm shall be sounded prior to starting up any section of a pulp or paper machine. Sufficient time shall be allowed between activation of the alarm system and start-up of the equipment to allow any persons to clear the hazardous area.

(8) Starting up dryer section. In starting up a dryer section, steam to heat the drums shall be introduced slowly and while the drums are revolving.

(9) Starting paper into nip. When starting paper into the nip of drum type reels or calender stacks a safe method shall be used. This may be accomplished by the use of feeder belts, carrier ropes, air carriage or other device or instrument. A rope carrying system should be used wherever possible at points of transfer. Sheaves should be spaced so that they do not create a nip point with each other and the sheave and its support should be capable of withstanding the speed and breaking strength of the rope for which they are intended.

(10) Feeding stack with hand held device. Employees shall not feed a stack with any hand held device which is capable of going through the nip.

(11) Broken carrier rope. Employees shall not attempt to remove a broken carrier rope from a dryer while the section is running at operating speed.

(12) Removing a wrap. Employees shall stop dryer to remove a wrap except in cases where it can be safely removed by using air or other safe means.

(13) Deposits on rolls. To remove deposits from rolls, a specially designed scraper or tool shall be used. Scraping of rolls shall be performed on the outgoing nip side.

(14) Cleaning doctor blades. Employees shall not place their hands between the sharp edge of an unloaded doctor blade and the roll while cleaning the doctor blade.

(15) Sharp edges of doctor blades to be covered. Doctor blades shall have the sharp edges properly guarded during transportation and storage.

(16) Handling doctor blades. Special protective gloves shall be provided and shall be worn by employees when filing or handling sharp edged doctor blades.

(17) Steps, platforms or walkways for calender stacks. When steps, platforms, or walkways are necessary to perform work on calender stacks they shall have nonskid type surfaces. Guardrails shall be installed where possible.

(18) Lifting reels.

(a) Reels shall stop rotating before being lifted away from reel frame.

(b) All lifting equipment (clamps, cables, and slings) shall be maintained in a safe condition and inspected regularly.

(c) Exposed rotating reel shafts with square block ends shall be guarded.

(19) Reels to be properly seated. The crane operator shall ascertain that reels are properly seated at winder stand or at reel arms before he disengages the hooks.

(20) (~~Space Between Reels~~). On stack reels, a clearance of at least 8 inches between the reels of paper shall be maintained:

(~~21~~) Set screws. Set screws for securing core collars to winding and unwinding shafts shall not protrude above the face of the collar. All edges of the collar that an operator's hand may come in contact with shall be beveled to remove all sharp corners.

(~~22~~) (~~21~~) Properly set up core cutting device. The worker shall make certain that any core cutting device is properly set up and guard is in proper position before using the machine.

(~~23~~) (~~22~~) Winder shaft. All winder shafts should be equipped with a winder collar guide. The winder should have a guide rail to align the shaft for easy entrance into the opened rewind shaft bearing housing. If winder shafts are too heavy for manual handling, mechanical equipment shall be used.

(~~24~~) (~~23~~) Barrier guards for shaftless winders. Shaftless winders shall be provided with a barrier guard of sufficient strength and size to confine the rolls in the event they become dislodged while running.

(~~25~~) (~~24~~) Grounding. All calender stacks and spreader bars shall be grounded as protection against shock induced by static electricity.

(~~26~~) (~~25~~) Sole plates. All exposed sole plates between dryers, calenders, reels and rewinders shall have a nonskid type surface.

(~~27~~) (~~26~~) Nonskid type surface required. A nonskid type surface shall be provided in the work areas around the winders or rewinders. Areas in front of the winder shall be kept clear of oil, broke, and other debris that may cause workers to slip, trip, or fall.

(~~28~~) (~~27~~) Roll lowering table. If a powered roll ejector is used it should be interlocked to prevent accidental actuation until the receiving platform or roll lowering table is in position to receive the roll.

(~~29~~) (~~28~~) Lowerator. Employees shall keep clear of hazardous areas around the lowerator, especially all lowerator openings in a floor and where roll is being discharged.

(~~30~~) (~~29~~) Rider rolls. Provision shall be made to hold the rider roll when in a raised position unless counterbalancing eliminates the hazard.

(~~31~~) (~~30~~) Gas hood entry procedures. Whenever an employee is inside a gas hood he shall be accompanied by another worker or a person shall be stationed near the entrance.

(~~32~~) (~~31~~) Drain openings in pits. Flush floor drain openings larger than 3" in diameter in the bottom of pits shall be guarded to prevent workers from stepping through, while working in this area.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-020 GENERAL MACHINE GUARDING. (~~+~~) ~~Electrical Grounding.~~ The frame of each machine which is driven by an electric motor or has any electrical connection shall be effectively grounded:

(~~2~~) Gears. Refer to WAC 296-24-150, Machinery and Machine Guarding of the General Safety and Health Standards, chapter 296-24 WAC.

(~~3~~) ~~Removable Covers or Guards.~~ Any covers or guards which must be removed for cleaning and adjustment shall be made easily removable in order that they may be removed and replaced with the least effort:

(~~4~~) ~~Ventilation Through Machine Guards.~~ Where it is necessary to guard motors or other equipment which require ventilation, guards should be so designed that they will not restrict the circulation of the air:))

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-02501 GENERAL REQUIREMENTS FOR FLOUR-HANDLING. (~~+~~) Wherever any of the various pieces of apparatus comprising a flour-handling system are run in electrical unity with one another the following safeguards shall apply:

(~~a~~) Each apparatus shall be safeguarded by a disconnecting means for the motor circuits as required by National Electrical Code - 1971 Edition:

(~~b~~) (~~1~~) Wherever a flour-handling system is of such size that the beginning of its operation is far remote from its final delivery end, all electric motors operating each apparatus comprising this system shall be controlled at each of two points, one located at each remote end, either of which will stop all motors.

(~~c~~) ~~Motor control switches shall be capable of being locked in the open position:~~

(~~d~~) (~~2~~) Control circuits for magnetic controllers shall be so arranged that the opening of any one of several limit switches, which



may be on an individual unit, will serve to de-energize all of the motors of that unit.

~~((2) Removable covers on all flour-handling equipment shall be so designed that the lifting effort shall not be more than 50 pounds.~~

~~(3) Wherever flour-handling systems are of large construction, suitable walkways or platforms or both shall be constructed around and over bins and apparatus, in accordance with the applicable requirements of the General Safety and Health Standards, chapter 296-24 WAC.~~

~~(a) All walkway surfaces shall be maintained in nonslip condition.~~

~~(b) Elevated walkways shall have railings and toeboards in compliance with applicable requirements of the General Safety and Health Standards, chapter 296-24 WAC.~~

~~(c) All ladders leading to upper walkways shall be in accordance with the applicable requirements of the General Safety and Health Standards, chapter 296-24 WAC.~~

~~(d) Wherever walkways are near the ceiling construction of the building, where obstruction to head room is lower than normal standing height, methods shall be provided to warn any occupant of the walkway. This should be done by means of "tell tales" or other suitable means located ahead of the obstruction. Suitable signs shall also be placed on walkways warning occupants of possible danger.~~

~~(4) All oscillating and vibrating sifters shall be protected with guard rails in compliance with applicable requirements of the General Safety and Health Standards, chapter 296-24 WAC.~~

~~(5) All mechanical transmission shafting, gearing, and sprocket drives shall be completely guarded, preferably with dust-tight housing. Lubrication fittings shall extend to the outside of the guard.~~

~~(6) All guards shall be readily removable.~~

~~(7) All flour-handling equipment, each individual unit or the entire system collectively, shall be so constructed that all interior or exterior protruding corners are of a rounded nature.~~

~~(8) When Class II hazardous conditions prevail, electric motors, motor controllers, and switches shall be of the type approved for such locations in accordance with the requirements of the National Electrical Code—1971 Edition:))~~

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-02503 BAG CHUTES AND BAG LIFTS (BAG-ARM ELEVATORS). (1) Bag chutes (gravity chutes for handling flour bags) shall be so designed so as to keep to a minimum the speed of flour bags. If the chute inclines more than 30° from the horizontal, there shall be an upturn at the lower end of the chute to slow down the bags.

(2) Bag-arm elevators with manual takeoff shall be designed to operate at a capacity not exceeding seven bags per minute. The arms on the conveyor chain shall be so spaced as to obtain the full capacity of the elevator with the lowest possible chain speed. There shall be an electric limit switch at the unloading end of the bag-arm elevator so installed as to automatically stop the conveyor chain if any bag fails to clear the conveyor arms.

~~(3) ((The conveyor chain on bag-arm elevators shall travel in a suitable structure and all drums shall be completely guarded, so that in case of a broken chain link the remainder of the chain will remain within its guides.~~

~~(4)) Manlifts shall not be used in bakeries. Bag or barrel lifts shall not be used as manlifts.~~

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-02505 DUMPBIN AND BLENDER. (1) ~~((The dumpbin or blender shall be constructed of metal or other nonsplintering material.~~

~~(2) Openings shall be protected by means of bars or grids. If grids are made of mesh, the openings shall be not more than 3 inches in either length or width. If parallel bars or rods are used, they shall be spaced not more than 3 inches apart on centers.~~

~~(3) Hinged dumpbin covers shall be provided with locks or latches to hold the covers in the open position, so that they will not accidentally fall down while the dumpbin is in operation.~~

~~(4) Dumpbins and blenders shall be so constructed that no separate pits in floors shall be required at the point which connects the final discharge to the usual elevator.~~

~~(5)) All dumpbin and blender hoods shall be of sufficient capacity to prevent circulation of flour dust outside the hoods.~~

~~((6)) (2) All dumpbins shall be of such a height from the floor as to enable the operator to dump flour from bags, without causing undue~~

strain or fatigue. Where the edge of any bin is more than 24 inches above the floor, a bag rest step shall be provided.

~~((7)) (3) A control device for stopping the dumpbin and blender shall be provided close to the operator's work station.~~

~~((8) A screen shall be provided in the suction nozzle over the bin or blender to prevent sacks that are being cleaned from getting into the rotor of the dust collecting fan:))~~

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-02511 STORAGE BINS. (1) ~~((Storage bins shall be constructed of metal or other nonsplintering material.~~

~~(2)) Storage bins shall be provided with gaskets and locks or latches to keep the cover closed, or other equivalent devices in order to ensure the dust tightness of the cover. Covers at openings where an employee may enter the bin shall also be provided with a hasp and a lock, so located that the employee shall lock the cover in the open position whenever it is necessary to enter the bin.~~

~~((3)) (2) Storage bins where the side is more than 5 feet in depth shall be provided with standard stationary safety ladders, both inside and outside, to reach from floor level to top of bin and from top of bin to inside bottom, keeping the ladder end away from the moving screw conveyor.~~

~~((4) Loading distribution conveyors shall be located in top of bin centrally unhooused, and all covers for entrance to the bins shall be located away from the loading distribution conveyor.~~

~~(5) An electric limit switch or other suitable protective device shall be provided in the top of the bin centrally over the loading screw conveyor on the opposite end of the flour entrance opening. It shall be so designed as to stop the loading screw if an excessive amount of flour is delivered to the bin.~~

~~(6)) (3) The main entrance cover of large storage bins located at the interior exit ladder shall be provided with an electric interlock for motors operating both feed and unloading screw, so that these motors cannot operate while the cover is open.~~

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-02513 SCREW CONVEYORS. ~~((+)) Screw conveyors shall be constructed of metal or other nonsplintering material.~~

~~(2) Each dead-end screw conveyor shall be provided with an over-flow safety gate which will operate an electric limit switch to shut down the conveyor before dangerous pressure of material is built up at the dead-end.~~

~~(3)) The covers of all screw conveyors shall be made removable in convenient sections, held on with stationary clamps located at suitable intervals keeping all covers dust-tight. Where drop or hinged bottom sections are provided this provision shall not apply.~~

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-02515 SIFTERS. ~~((+)) Enclosures of all types of flour sifters shall be so constructed that they are dust-tight but readily accessible for interior inspection.~~

~~((2) Oscillating and vibrating sifters shall be so constructed that all moving parts are well within the outer frame of the apparatus.~~

~~(3) Refuse tailing spouts of all types of sifters shall be readily accessible and shall be located at a safe distance from moving parts:))~~

#### AMENDATORY SECTION (Amending Order 74-15, filed 5/6/74)

WAC 296-302-02517 FLOUR SCALES. ~~((+)) Flour scales shall be constructed of metal or other nonsplintering material.~~

~~(2) Where a transparent covering is provided over dial scales it shall be made of a nonshatterable transparent material.~~

~~(3)) Traveling or track-type flour scales shall be equipped with bar handles for moving same. The bar should be at least 1 inch in diameter (:) and well away from trolley track wheels ((shall be guarded)).~~

~~((4) All moving trolley wheels located within 8 feet 6 inches of floors or platforms shall be fully guarded on sides and ahead of rotating motion.~~

~~(5) The scale cutoff switch shall be totally enclosed and connected to the scale beam in such a manner as to protect the operator from contact.~~

~~(6) Where two or more scales are used on traveling flour scales, interlocks shall be provided so that the gate will not open unless the hopper is below:))~~



AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-03001 HORIZONTAL DOUGH MIXERS. (1) Mixers with external power application shall have all belts, chains, gears, pulleys, sprockets, clutches, and other moving parts completely enclosed.

(2) ~~((Mixers with built-in power units shall have all drive elements enclosed in such a manner as to prevent injury to operators or maintenance personnel performing their normal duties:~~

~~(3))~~ Each mixer shall be equipped with an individual motor and control, and with a conveniently located manual switch to prevent the mixer from being started in the usual manner while the machine is being serviced and cleaned.

~~((4))~~ (3) All electrical control stations shall be so located that the operator must be in full view of the bowl in its open position. Such controls, other than a stop switch, shall not be duplicated.

~~((5))~~ (4) All mixers with power ~~(and)~~ and manual dumping arrangements shall be equipped with safety devices which shall:

(a) Engage both hands of the operator, when the agitator is in motion under power, and while the bowl is opened more than one-fifth of its total opening.

(b) Prevent the agitator from being started, while the bowl is more than one-fifth open, without engaging both hands of the operator~~((:))~~:

~~((c) Permit the operator to have a full view of the bowl opening while he is in the act of maintaining operation of the agitator at any time while the bowl is more than one-fifth open:~~

(6) Mixers with power dumping devices shall be arranged so that the bowl opening cannot be closed beyond four-fifths of its total opening unless the operator maintains the control contact which causes the dump motor to complete the bowl closure. Alternatively the control may be so arranged that the operator must keep at least one hand engaged, by holding in a push button, during the entire closure of the mixing bowl.

(7) Mixers shall be provided with flour-gate operating mechanisms, ingredient openings, and water inlets, which can be conveniently manipulated by the operator from the normal area of activity (either platform or floor) without requiring abnormal reaching, or improvisations which might jeopardize his safety.

~~((8))~~ (5) Every mixer shall be equipped with a full enclosure over the bowl which is closed at all times while the agitator is in motion. Only minor openings in this enclosure, such as ingredient doors, flour inlets, etc., each representing less than 1 1/2 square feet in area, shall be capable of being opened while the mixer is in operation.

~~((9) No loose access doors and covers weighing more than 2 pounds shall be used on mixers. Such parts shall be hinged or otherwise held in proximity to the openings that they cover:~~

~~((10))~~ (6) Overhead covers or doors which are subject to accidental closure shall be counterbalanced to remain in an open position or provided with means to hold them open until positively released by the operator.

~~((11) Provision shall be made to bolt mixers solidly to the floor to prevent dislocation or excessive vibration. Open space between mixers and platforms which may endanger the operator shall be guarded:~~

(12) Mixers shall be installed only on substantial foundations which are capable of safely withstanding the live loads incurred in full-capacity mixing operations.

(13) Access for lubrication at all points shall be provided so as to avoid contact between the lubricating device or the operator's hands and any moving parts.

(14) Any device or mechanism used to return "sponges" to a mixer shall be so interlocked with the mixer as to prevent injury to the operator.

(15) No electrical pilot or control circuits shall be employed at a potential in excess of 240 volts.

(16) A motor-running overcurrent protective device shall be provided for each motor. Undervoltage protection shall be provided in all magnetic controllers.

(17) Positive means shall be provided to prevent application of pressure above the design maximum in all mixer cooling jackets.

~~((18))~~ (7) Valves and controls to regulate the coolant in mixer jackets shall be located so as to permit access by the operator without jeopardizing his safety.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-03003 VERTICAL MIXERS. (1) Vertical mixers shall comply with WAC 296-302-03001(1), (2), (3), (9) through (13), (15) through (17).

(2) ~~((Positive means shall be provided to prevent injury to the operator during speed-change manipulation:~~

~~(3))~~ Bowl locking devices shall be of a positive type which require the attention of the operator for unlocking.

~~((4))~~ (3) Devices shall be made available for moving bowls weighing more than 80 pounds, with contents, into and out of the mixing position on the machine.

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-035 DIVIDERS. ~~((1) Pinch and Shear Points: All pinch points and shear points from reciprocating or rotating parts of the divider shall be enclosed or guarded, to protect the operator's hands and fingers from these hazards:~~

~~(2) Front Guards: Guards at front of a divider shall be so arranged that the weight of dough can be adjusted without removing the guard:~~

~~(3))~~ Rear of divider. The back of the divider shall have a complete cover to enclose all of the moving parts, or each individual part shall be enclosed or guarded to remove the separate hazards. The rear cover shall be provided with a limit switch in order that the machine cannot operate when this cover is open. The guard on the back shall be hinged so that it cannot be completely removed and if a catch or brace is provided for holding the cover open, it shall be designed so that it will not release due to vibrations or minor bumping whereby the cover may drop on an employee.

~~((4) Oil Holes in Knife: The oil holes in the knife at the back of the divider shall be of a maximum width opening of 1/4 inch so an employee's finger cannot go through the hole:~~

~~(5) Knife Actuating Arm: There shall be a saddle guard or other protective device on any elongated hole in the knife actuating arm at the back of the divider:~~

~~(6) Shear Pins: Dividers shall be equipped with mechanical overload release devices such as shear pins:))~~

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-040 MOULDERS. (1) Hoppers. Mechanical feed moulders shall be provided with hoppers so designed and connected to the proofer that an employee's hands cannot get into the hopper where they will come in contact with the in-running rolls.

(2) Hand-fed moulders. Hand-fed moulders shall be provided with a belt-feed device or the hopper shall be extended high enough so that the hands of the operator cannot get into the feed rolls. The top edge of such a hopper shall be well rounded to prevent injury when it is struck or bumped by the employee's hand.

(3) Stopping devices. There shall be a stopping device within easy reach of the operator who feeds the moulder and another stopping device within the reach of the employee taking the dough away from the moulder.

~~((4) Cleanout Holes: Machines shall be so designed or guarded that there is no shear point in close proximity to the cleanout holes:~~

~~(5) Rear of Moulders: At the rear of moulders all revolving shafts shall have round corners or cylindrical surfaces, and all bolts shall be flush. Tie rods shall be far enough from revolving parts to prevent a shearing or pinching hazard:~~

~~(6) Adjustment Crank: Where a removable crank is used to adjust the moulder for different sizes of loaf, brackets shall be provided on the side of the machine for holding the crank when it is not in use:))~~

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-050 MISCELLANEOUS EQUIPMENT. (1) Proof boxes. All door locks shall be operable both from within and outside the box. Guide rails shall be installed to center the rack as it enters, passes through, and leaves the proof box.

(2) Fermentation room. Fermentation room doors shall have non-shatterable wire glass or plastic panels for vision through doors.

(3) Troughs. Troughs shall be mounted on antifriction bearing casters thus making it possible for the operator to move and direct the motion of the trough with a minimum of effort.

(4) Hand trucks.

(a) Casters shall be set back from corners to be out of the way of toes and heels, but not far enough back to cause the truck to be unstable.

(b) A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(5) Lift trucks. A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

- (6) Racks.  
~~(a) ((Sharp splintered or rough corners and edges shall be eliminated.~~  
 (b)) Racks shall be equipped with handles so located with reference to the frame of the rack that no part of the operator's hands extends beyond the outer edge of the frame when holding onto the handles.  
 ((c)) (b) Antifriction bearing casters shall be used to give the operator better control of the rack.  
 ((d) End guards shall be used at shelf levels on proofing racks.)  
 (7) Conveyors.  
 (a) Wherever a conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent broken chains or other material from falling in the passageway or work area.  
 (b) Stop bumpers shall be installed on all delivery ends of conveyors, wherever manual removal of the product carried is practiced.  
 (c) All conveyors shall have stop buttons at all operating stations. In addition, emergency stop bars or switches shall be installed at any machine infeed location fed by the conveyor where pinch points exist.  
 (8) ~~((Overhead Rail Systems. (a) Handles for operating devices for trolley switches which hang less than 6 feet 8 inches from the floor shall be of pliable material.~~  
 (b) Floor Scales. Nonshatterable transparent material shall be used to cover dials.  
 (9) Dough Chutes. The entrance to the chute shall be guarded so as to protect the employee from falling into chute, stepping into chute, or tripping over too low an edge of the chute.  
 (10) Skids. (a) All sharp corners or edges shall be eliminated on all metal skids.  
 (b) All edges and corners shall be protected on skids to prevent exposed splinters.  
 ((11)) Ingredient premixers, emulsifiers, etc. ((a)) All top openings shall be provided with covers attached to the machines. These covers should be so arranged and interlocked that power will be shutoff whenever the cover is opened to a point where the operator's fingers might come in contact with the beaters.  
 ((b) Portable electrical agitators for ingredient premixers shall have the attachment cord so wired that the agitator will be grounded whenever it is connected to a source of power.  
 ((12)) (9) Chain tackle.  
 (a) All chain tackle shall be marked prominently, permanently, and legibly with maximum load capacity.  
 (b) All chain tackle shall be marked permanently, and legibly with minimum support specification.  
 (c) Safety hooks shall be used.  
 ((13)) (10) Trough hoists, etc.  
 (a) All hoists shall be marked prominently, permanently, and legibly with maximum load capacity.  
 (b) All hoists shall be marked permanently and legibly with minimum support specifications.  
 (c) Safety catches shall be provided for the chain so that the chain will hold the load in any position.  
 (d) Safety hooks shall be used.  
 ((14)) (11) Air-conditioning units. ((a) All sharp corners and edges shall be eliminated.  
 (b)) On large units with doors to chambers large enough to be entered, all door locks shall be operable from both inside and outside.  
 ((15)) (12) Pan washing tanks.  
 (a) ~~((Counter-balanced hinged covers, or sliding covers, shall be provided.~~  
 (b)) The surface of the floor of the working platform shall be maintained in nonslip condition.  
 ((c) Working platforms shall be kept at least 32 inches below the top of the tank or guardrail.  
 (d) All electrical sockets in pan washing rooms shall be nonmetallic and keyless and other electrical equipment shall be moisture proof.  
 (e)) (b) Power ventilated exhaust hoods shall be provided over the tanks.  
 ((16) Pan Washing Machines. Sharp corners and edges shall be eliminated.  
 (17) Cake Depositors. All pinch points shall be eliminated, guarded, or shielded so that hands and arms cannot reach these pinch points while the machine is in operation.  
 (18) Icing Machines. All pinch points shall be eliminated, or provided with guards or shields so hands and arms cannot reach these pinch points while the machine is in operation.

~~(19) Bread Coolers, Conveyor Type. (a) All pinch points shall be eliminated or guarded.~~

~~(b) Stop bumpers on all delivery ends of conveyors shall be installed wherever manual removal of the product carried is practiced.~~

~~(20)) (13) Bread coolers, rack type. ((a) Guardrails shall be installed to the center rack as it enters and leaves the cooler.~~

~~(b)) All door locks shall be operable from both within and outside the cooler.~~

~~((21) Bread and Cake Boxes, Trays, etc. (a) Sharp corners and edges shall be eliminated on metal parts.~~

~~(b) All wooden corners and edges shall be protected to prevent splinters.~~

~~(22)) (14) Doughnut machines. Separate flues shall be provided, (a) for venting vapors from the frying section, and (b) for venting products of combustion from the combustion chamber used to heat the fat.~~

~~((23)) (15) Open fat kettles.~~

~~(a) The floor around kettles shall be maintained in nonslip condition.~~

~~(b) ((Fire extinguishing devices suitable for Class-B fires shall be provided. See General Safety and Health Standards, WAC 296-24-590.~~

~~(c) Goggles or face shields shall be provided to prevent injuries from hot fat splashes.~~

~~(d)) The top of the kettle shall be not less than 36 inches above floor or working level.~~

~~((24)) (16) Steam kettles.~~

~~(a) Positive locking devices shall be provided to hold kettles in the desired position.~~

~~(b) Kettles with steam jackets shall be provided with safety valves in accordance with the ASME Pressure Vessel Code, Section VIII, Unfired Pressure Vessels, 1968.~~

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-05501 SLICERS. (1) ~~((Sprockets, chains, and V-belt drives on slicers shall be completely enclosed.~~

~~(2) All slicing machines shall be provided with a mechanical device to push the last loaf through the slicer knives.~~

~~(3)) The cover over the knife head of reciprocating-blade slicers shall be provided with an interlocking arrangement so that the machine cannot operate unless the cover is in place.~~

~~((4)) (2) On slicers with endless band knives, each motor shall be equipped with a magnet brake which operates whenever the motor is not energized. Each door, panel, or other point of access to the cutting blades shall be arranged by means of mechanical or electric interlocks so that the motor will be de-energized if all such access doors, panels, or access points are not closed.~~

~~((5)) (3) When it is necessary to sharpen slicer blades on the machine, a barrier shall be provided leaving only sufficient opening for the sharpening stone to reach the knife blades.~~

~~((6) Where pusher fingers attached to the feed chain enter the bed plate of the cross-feed, the end guard shall be extended to cover the pinch point.~~

~~(7)) (4) Slicer wrapper conditions: ((a) Where the flight chain on the slicer turns under the bed plate on the crossfeed to the wrapper, a spring-hinged section of bed plate shall be provided so that there is no shear point between the flight chain and the bed plate.~~

~~(b) Wrapping and slicing machines obtained from separate manufacturers, shall be installed and connected so that the chains, sprockets, belts, and moving parts are guarded. Interconnections for the starting and stopping of such devices shall be employed.~~

~~(c)) Mechanical control levers for starting and stopping both slicing machine conveyors and wrapping machines shall be extended or so located that an operator in one location can control both machines. Such levers should be provided wherever necessary, but these should be so arranged that there is only one station capable of starting the wrapping machine and conveyor assembly, and this starting station should be so arranged or guarded as to prevent accidental starting. The electric control station for starting and stopping the electric motor driving the wrapping machine and conveyor should be located near the clutch starting lever.~~

~~((d) The transfer chain shall be completely covered on all sides, not just on front and top.))~~

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-05503 WRAPPERS. ~~((†) Any hand wheel which may be provided in order to turn the wrapping machine over by hand and which may run continuously shall be a smooth, solid disk wheel.~~

~~(2) At the discharge end (or drive side) of the crossfeed conveyor there shall be either a one- or two-piece guard in front of the cross-feed chain.~~

~~(3)) Electrical heaters on wrappers shall be protected by a cover plate properly separated or insulated from the heaters in order that accidental contact with this cover plate will not cause a burn to the operator.~~

~~((†) Electric wiring for the wrapper heaters shall be so arranged that a minimum number of wires are used to connect the movable heaters assembly to the permanent wiring of the machine. This wiring shall be heat-resisting type in accordance with the requirements of the National Electrical Code—1971 Edition.~~

~~(5) Power-driven friction rollers used to feed paper into the wrapping machine shall be provided with a guard over the in-running nip point of the rubber rollers.~~

~~(6) The nip point, between the chain and sprocket of the loose wrap attachment, shall be completely enclosed or guarded on both sides in such a way that employee's fingers cannot get into this nip point.~~

~~(7) Sprocket, chain, and V-belt drives on wrappers shall be completely enclosed.)~~

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-060 BISCUIT AND CRACKER EQUIPMENT.

(1) Meal, peanut, and fig grinders.

(a) If the hopper is removable it shall be provided with an electric interlock so that the machine cannot be put in operation when the hopper is removed.

(b) Where grid guards cannot be used, feed conveyors to hoppers, or baffle-type hoppers, shall be provided. Hoppers in such cases shall be enclosed and provided with hinged covers, and equipped with electric interlock to prevent operation of the machine with the cover open.

(2) Sugar and spice pulverizers.

(a) All drive belts used in connection with sugar and spice pulverizers shall be grounded by means of metal combs or other effective means of removing static electricity. All pulverizing of sugar or spice grinding shall be done in accordance with NFPA 62-1967 (Standard for Dust Hazards of Sugar and Cocoa), NFPA 656-1959 (Standard for Dust Hazards in Spice Grinding Plants).

(b) Magnetic separators shall be provided to reduce fire and explosion hazards.

(3) Cheese, fruit, and food cutters. These machines shall be protected in accordance with the requirements of (1) of this section.

~~(4) ((Jam, Icing, and Marshmallow Beaters of Horizontal-Tub Type. All top openings shall be provided with covers attached to the machines.~~

~~(5)) Reversible dough brakes. Reversible brakes shall be provided with a guard or tripping mechanism on each side of the rolls. These guards shall be so arranged as to stop the machine or reverse the direction of the rolls so that they are outrunning if the guard is moved by contact of the operator.~~

~~((†) (5) Cross-roll brakes. Cross-roll brakes shall be provided with guards that are similar in number and equal in effectiveness to guards on hand-fed brakes.~~

~~((†) (6) Box- and roll-type dough sheeters. ((†) Sheetting rolls shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip point.~~

~~(b)) Hoppers for sheeters shall have an automatic stop bar or automatic stopping device along the back edge of the hopper. If construction does not permit location at the back edge, the automatic stop bar or automatic stopping device shall be located where it will be most effective to accomplish the desired protection.~~

~~((†) Cutting and Panning, Embossing, Peeling, Bar, and Fruitana Machines. (a) Roll stands, other than hand-fed, shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip points.~~

~~(b) Guards shall be provided at each side of the cutter to prevent hands from getting under the cutter.~~

~~(c) Reciprocating panner heads shall be guarded to protect the operator from being caught between moving and stationary parts.~~

~~(d) Motor control buttons shall be located within view of the cutting head.~~

~~(9)) (7) Rotary, die machines, pretzel rolling, and pretzel-stick extruding machines. Dough hoppers shall have the entire opening protected with grid-type guards to prevent the employee from getting his hands caught in moving parts, or the hopper shall be extended high enough so that the operator's hands cannot get into moving parts.~~

~~((†) (10) Band Ovens. Band ovens shall be so arranged, or guarded, that the operator cannot get caught at the nip point between the band and the drive pulley or the takeup pulley, or between the oven conveyor and the oven frame.~~

~~(†) Wafer-Cutting Machines. These machines shall be so guarded that it will be impossible for employee's fingers or hands to come in contact with the saws or knives while feeding the machine.~~

~~(†) (8) Pan cooling towers. ((†) Where pan cooling towers extend to two or more floors, a lockout switch shall be provided on each floor in order than mechanics working on the tower may positively lock the mechanism against starting. Only one start switch shall be used in the motor control circuit.~~

~~((†) All unused sides of pan cooling tower conveyors shall be enclosed or effectively guarded to a height of 7 feet above each floor.~~

~~(c) Wherever a pan cooling tower conveyor passes through a floor, the opening shall be protected by a standard railing and toeboard as defined by the General Safety and Health Standards, chapter 296-24 WAC, or by other equivalent protection.~~

~~(d) Wherever a pan conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent pans, broken chains, or other material from falling in the aisleway, work area or passageway.~~

~~(e) Sprocket wheels of pan conveyors shall be enclosed so that accidental contact cannot be made at the point where the chain comes in contact with the sprocket.~~

~~(f) Wherever conveyor bars, flights, and attachments pass in opposite directions within 6 inches of each other, a sheet metal partition or screen with openings no larger than one-half inch shall be placed between the conveyor chains which run in opposite directions.~~

~~(†) (9) Chocolate melting, refining, and mixing kettles. Each kettle shall be provided with a cover to enclose the top of the kettle. The bottom outlet of each kettle shall be of such size and shape that the operator cannot reach in to touch the revolving paddle or come in contact with the shear point between the paddle and the side of the kettle.~~

~~((†) (14) Caddie, Cover, and Box Stitchers (Wire Stitchers). A guard shall be mounted on the stitching head to prevent operators from getting fingers caught between the stitching head and the clincher block.~~

~~(15) Carton-Wrapping and Bundling Machines. The end seal drums on carton and bundling machines shall be provided with guards.~~

~~(16) Carton and Lining Feeding Machines. Cutting knives shall be provided with a hinged hood to cover the knives. These guards shall be electrically interlocked to stop the machine if they are removed.~~

~~(†) (10) Peanut cooling trucks. Mechanically operated peanut cooling trucks shall have a grid-type cover over the entire top.~~

AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-06501 GENERAL LOCATION. ~~((†) Ovens shall be located with due regard to the possibility of fire resulting from overheating or from the escape of gas or fuel oil and the possibility of injury to persons resulting from explosions.~~

~~(2) Ovens shall be built on noncombustible foundations, excepting that where unusual circumstances require that an oven be placed on a combustible floor, the sole of the oven itself shall be insulated and shall be separated from the floor by a ventilated air space of at least 3 inches. In no case shall the temperature of a combustible floor beneath an oven be permitted to exceed 160°F.~~

~~(3) Insulation shall be used in the crown of any oven, and the space above this crown shall be ventilated, to prevent the temperature of any combustible ceilings from rising above 200°F.~~

~~(4) Where oven ducts or stacks pass through combustible walls or ceilings, sufficient clearance and insulation shall be provided to keep the temperature of combustible material below 160°F.~~

~~(5) Columns or structural members of a building shall not pass through an oven. When such columns or structural members are closer than 6 inches to the inner shell of an oven, fireproof material shall be used and insulated in such a way that the temperature of the column or structural member will be kept below 160°F.~~

~~(6) Ovens shall be located so as to be accessible from all sides and adequately spaced to permit the proper functioning of explosion vents.~~

(7)) Ovens shall be located so that possible fire or explosion will not expose groups of persons to possible injury. For this reason ovens shall not adjoin lockers, lunch or sales rooms, main passageways, or exits.

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-06503 GENERAL REQUIREMENTS. (1) Protecting devices shall be maintained and kept in working order.

(2) All safety devices on ovens shall be inspected at intervals of not less than twice a month by an especially appointed, properly instructed bakery employee, and not less than once a year by representatives of the oven manufacturers.

(3) Protection of gas pilot lights shall be provided when it is impracticable to protect the main flame of the burner and where the pilot flame cannot contact the flame electrode without being in the path of the main flame of the burner.

(a) Failure of any gas pilot shall automatically shut off the fuel supply to the burner.

(b) Ovens with multiple burners shall be equipped with individual atmospheric pilot lights where there is sufficient secondary air in the baking chamber and where gas is available, or else each burner shall be equipped with an electric spark-type ignition device.

(4) Burners of a capacity exceeding 150,000 B.t.u. per hour equipped with electric ignition shall be protected in addition by quick-acting combustion safeguards.

((a)) The high-tension current for any electric spark-type ignition device shall originate in a power supply line which is interlocked with the fuel supply for the oven in such a way that in case of current failure both the source of electricity to the high-tension circuits and the fuel supply shall be turned off simultaneously.

((b) All electric circuits in connection with ignition systems on ovens shall comply with the National Electrical Code 1971 Edition.

(c) Combustion safeguards used in connection with electric ignition systems on ovens shall be so designed as to prevent an explosive mixture from accumulating inside the oven before ignition has taken place.)

(5) When fuel is supplied and used at line pressure, safety shutoff valves shall be provided in the fuel line leading to the burner.

(a) When fuel is supplied in excess of line pressure, safety shutoff valves shall be provided in the fuel line leading to the burners, unless the fuel supply lines are equipped with other automatic valves which will prevent the flow of fuel when the compressing equipment is stopped.

(b) The safety shutoff valve shall be positively tight and shall be tested at least twice monthly.

(c) Packing glands shall be designed so that the valve will not be made inoperative by excessive tightening of the packing gland.

(d) ((Electrically operated safety shutoff valves shall be normally closed and not depend on electricity for shutting off the fuel supply.

(e)) A safety shutoff valve shall require manual operation for reopening after it has closed, or the electric circuit shall be so arranged that it will require a manual operation for reopening the safety shutoff valve.

((f)) (c) Manual reset-type safety shutoff valves shall be so arranged that they cannot be locked in an open position by external means.

((g)) (f) Where blowers are used for supplying the air for combustion the safety shutoff valve shall be interlocked so that it will close in case of air failure.

((h)) (g) Where gas or electric ignition is used, the safety shutoff valve shall close in case of ignition failure. On burners equipped with combustion safeguards, the valve shall close in case of burner flame failure.

(6) One main, manually operated, fuel shutoff valve shall be provided on each oven, and shall be located ahead of all other valves in the system.

(7) All individual gas or oil burners with a heating capacity over 150,000 B.t.u. per hour shall be protected by a safeguard which is actuated by the flame and which will react to flame failure in a time interval not to exceed 2 seconds. All safeguards, once having shut down a gas or oil burner, shall require manual resetting and starting of the burner or burners.

(8) Any space in an oven (except direct fired ovens) which could be filled with an explosive mixture shall be protected by explosion vents. Explosion vents shall be made of minimum weight consistent with insulation.

(a) Explosion doors which have a weight shall be attached by chains or similar means to prevent flying parts from injuring the personnel in case of an explosion.

(b) Where explosion vents are so located that flying parts or gases might endanger the personnel working on or near the oven, internal or external protecting means shall be provided in the form of heavily constructed shields or deflectors made from noncombustible material.

(c) Specifically exempted from the provisions of these standards as contained in (8)(a) and (b) of this section are heating systems on ovens in which the fuel is admitted only to enclosed spaces, which shall have been tested to prove that their construction will resist repeated explosions without deformation.

(9) ((Flues and Dampers. (a) All ovens (except electrically heated) shall be properly and firmly connected to an active chimney or flue of ample size to carry away the flue gases.

(b) The chimney shall be preinspected after installation or repair to determine whether it is in suitable condition.

(c) The flue pipe or breeching shall be properly supported in all cases.

(d) Means shall be employed which will prevent the flue pipe or breeching from entering beyond the inner wall of the chimney flue.

(e) Flue pipe shall be cemented or otherwise sealed to the chimney wall so as to prevent infiltration of air.

(f) A flue damper or other equivalent means for regulating draft shall be installed on each oven, the proper operation of which depends on natural draft.

(g) Dampers, where used, shall be equipped with accessibly located minimum and maximum stops. The minimum stop for dampers shall be adjusted to obtain sufficient air for combustion at the minimum oven output. Where stack dampers are used in connection with oil- or gas-fired ovens, they shall be equipped with means to turn the burner off when the damper is closed.

((10) Where the initial pressure of the fuel is lower than the air pressure used for combustion, check valves shall be installed in the fuel line to prevent air from backing up into the fuel lines. For instance, in gas burner apparatus, which uses air at pressures exceeding the gas service pressure, a check valve shall be provided in the gas line next to the mixing device.

((11)) Where the gas supply pressure is substantially higher than that at which the burners of an oven are designed to operate, a gas pressure regulator shall be employed.

((a) Gas pressure regulators, where used, shall maintain the gas pressure to the manifold within 10 percent of the operating pressure from maximum to minimum consumption rates.

(b) Regulators shall be of the spring-loaded, dead-weight, or pressure-balanced type. Spring- or weight-loaded regulators shall have springs or weights covered by suitable housing. Under no circumstances shall a weight and lever type of regulator be used.

(c) A gas pressure regulator, requiring access to atmosphere for successful operation, shall be vented to the outer air.

(d)) A relief valve shall be placed on the outlet side of gas pressure regulators where gas is supplied at high pressure. The discharge from this valve shall be piped to the outside of the building.

((12) All chambers which have to be connected to the atmosphere, but are separated from any gaseous or other volatile fuel by a flexible membrane, as, for instance, a diaphragm, bellows, etc., shall be connected by a pipe of at least one-half inch size to the outside atmosphere. The outside end of this pipe shall be protected against flooding or accidental plugging by ice formation, insects, or other causes, by providing a "tee" with double elbow connections pointing downwards at the top of the pipe, and screened outlets. Where several of such chambers are used in close proximity, a common vent line may be used.

((13) Where accumulation of dust in the air supply might affect the proper functioning of mixing devices and burners, the air supply inlet shall be equipped with suitable air filters. A standby filter should be available to permit interchanging filters for cleaning purposes.)

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-06507 SAFEGUARDS OF MECHANICAL PARTS. (1) Emergency stop buttons shall be provided on mechanical ovens near the point where operators are stationed.

(2) All piping at ovens shall be tested to be gastight.

((a) Soldered pipe joints shall not be permitted in connection with ovens. Pipe joints may be either screwed, flanged, or welded, in connection with ovens where such pipes carry fuel or steam.

(b) All pipe and fittings used shall be of such schedule which will safely carry the pressure and be clear and free from cutter burrs and defects in structure or threading.)

(3) Main shutoff valves, operable separately from any automatic valve, shall be provided to permit turning off the fuel or steam in case of an emergency.

(a) Main shutoff valves shall be located so that explosions, fires, etc., will not prevent access to these valves.

(b) Main shutoff valves shall be locked in the closed position when persons must enter the oven or when the oven is not in service.

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-06517 ELECTRICAL HEATING EQUIPMENT. ((1) All electrical equipment shall be built and installed according to the National Electrical Code - 1971 Edition.

(2) Open heating elements inside the baking chamber shall be guarded against accidental touching by the product being baked, by the body of the operator, or by current-conducting implements which may be used.

(3) A main disconnect switch or circuit breaker shall be provided. This switch or circuit breaker shall be so located that it can be reached quickly and safely. The main switch or circuit breaker shall have provisions for locking it in the open position if any work on the electrical equipment or inside the oven must be performed.

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-06521 DIRECT RECIRCULATING OVENS.

((1)) Each circulating fan in direct recirculating ovens shall be interconnected with the burner in such a manner that the fuel is shut off by a safety valve when the fan is not running.

((2) The flame of the burner or burners in direct recirculating ovens shall be protected by a quick-acting flame-sensitive safeguard which will automatically shut off the fuel supply in case of burner failure.

(3) Direct recirculating ovens shall be equipped with preventilating devices.

(4) Fans in direct recirculating ovens shall be constructed of materials suitable for the temperatures at which they will operate and designed with an ample safety factor to prevent rupture of the wheel.

(5) Fan wheel in direct recirculating oven shall be protected against direct impingement of the flame of the burner or burners.

(6) Direct recirculating ovens, and particularly fans in and on such ovens, shall be protected from overheating by means of a temperature limiting device.

(7) When the burner or burners on direct recirculating ovens are mounted at elevated positions permanent steps shall be provided for safe and convenient access to the burner or burners.)

#### AMENDATORY SECTION (Amending Order 74-17, filed 5/6/74)

WAC 296-302-06529 INDIRECT RECIRCULATING OVENS. ((1) Indirect recirculating ovens shall have all oil and gas burners equipped with quick-acting flame sensitive combustion safeguards.

(2) Duct systems in indirect recirculating ovens shall be protected by explosion vents having a minimum total area of 1 square foot of vent to 15 cubic feet of total duct volume. These explosion vents shall be so located that they will not release hot gases or flying parts in the direction of an operator.

(3) Duct systems (in ovens) operating under pressure shall be tested for tightness in the initial starting of the oven and also at intervals not farther apart than 6 months.

((4) Fans and other parts in indirect recirculating ovens shall comply with requirements as listed under WAC 296-302-06521.)

#### REPEALER

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

- (1) WAC 296-302-015 DEFINITIONS.
- (2) WAC 296-302-02507 FLOOR ELEVATORS.
- (3) WAC 296-302-02509 BOLTING REELS.
- (4) WAC 296-302-02519 AUTOMATIC FLOUR GATES.
- (5) WAC 296-302-06505 CONSTRUCTION.
- (6) WAC 296-302-06509 GAS-BURNING SYSTEMS.
- (7) WAC 296-302-06511 GAS MIXING MACHINES.

(8) WAC 296-302-06513 OIL-BURNING EQUIPMENT.

(9) WAC 296-302-06515 SOLID-FUEL FIRING EQUIPMENT.

(10) WAC 296-302-06523 FLUE-TYPE OVENS.

(11) WAC 296-302-06525 INDIRECT-FIRED MULTIPLE BURNER OVENS.

(12) WAC 296-302-06527 STEAM-TUBE OVENS.

(13) WAC 296-302-06531 ELECTRIC OVENS.

#### AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-02001 WASHROOM MACHINES. ((1) Marking Machine. Each power marking machine shall be equipped with a spring-compression device of such design as to prevent injury to fingers, should they be caught between the marking plunger and platen; or the marking machine shall be equipped with a control mechanism that will require the simultaneous action of both hands to operate the machine, or there shall be a guard that will act as a barrier in front of, and which will prevent the operator's fingers from coming into contact with the marking plunger.

(2) Washing machine. ((a) Each washing machine shall be equipped with an interlocking device that will prevent the inside cylinder from moving under power when the outer door on the case or shell is open, and will also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an "inching device."

(b) Each washing machine shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded. Spring loaded devices are an acceptable means.

((3) Extractor. (a) Each extractor shall be equipped with a metal cover.

(b) Each extractor shall be equipped with an interlocking device that will prevent the cover from being opened while the basket is in motion, and will also prevent the power operation of the basket while the cover is not fully closed and secured. This device should not prevent the movement of the basket by hand to ensure an even loading.

(c) Each extractor shall also be effectively secured in position on the floor or foundation so as to eliminate unnecessary vibrations, and shall not be operated at a speed greater than that given in the manufacturer's rating, which shall be stamped on the inside of the basket where it is easily visible, in letters not less than one-fourth inch in height. The maximum permissible speed shall be given in revolutions per minute.

(d) Each engine individually driving an extractor shall be provided with an engine stop approved as specified in WAC 296-24-006, of the General Safety and Health Standards, and a speed-limit governor. It is suggested that where an extractor is driven by a direct-current motor a "no field" release be installed to prevent overspeed, which may result from an open or broken field.

(4) Power Wringer. Each power wringer shall be equipped with a safety bar or other guard across the entire front of the feed or first pressure rolls, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine.)

#### AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-02003 STARCHING AND DRYING MACHINES. (1) ((Starching Machine (cylinder or box type). Each starching machine, cylinder or box type, shall be enclosed or guarded so as to prevent the operator or other person from coming into accidental contact with the cylinder or box while the machine is in motion.

(2) Drying-Room Fan. Each drying-room fan, any part of which is within 7 feet of the floor or working platform, shall be guarded with wire mesh or screen of not less than No. 16 gage, the openings of which will reject a ball one-half inch in diameter.

(3) Drying tumbler.

(a) ((Each drying tumbler shall be equipped with an interlocking device that will prevent the inside cylinder from moving under power when the outer door on the case or shell is open, and also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an inching device.

(b) Each drying tumbler shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

~~((4))~~ Shaker (clothes tumbler). (a) Each shaker or clothes tumbler of the single-cylinder type shall be equipped with a device that will automatically prevent the tumbler from moving while the door is open.

(b) The tumbler shall also be enclosed or guarded so as to prevent accidental contact by the operator or other person while the machine is in motion.

(c) Each shaker or clothes tumbler of the double-cylinder type shall be equipped with an interlocking device that will prevent the inside cylinder from moving when the outer door on the case or shell is open and will also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an inching device.

~~((d))~~ (b) Each shaker or clothes tumbler of the double-cylinder type shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

~~((5))~~ (2) Exception. Provisions of (3), (4)(a), (c) and (d) of this section shall not apply to shakeout or conditioning tumblers where the clothes are loaded into the open end of the revolving cylinder and are automatically discharged out of the opposite end.

#### AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-02007 MISCELLANEOUS MACHINES AND EQUIPMENT. ~~((1))~~ Sewing Machine. Each sewing machine shall be equipped with a guard permanently attached to the machine, so that the operator's fingers cannot pass under the needle. It shall be of such form that the needle can be conveniently threaded without removing the guard.

(2) Exhaust or Ventilating Fans. Each exhaust or ventilating fan within 7 feet of the floor or working platform shall be completely covered with wire mesh of not less than No. 16 gage, and with openings that will reject a ball one-half inch in diameter.

~~((3))~~ Steam pipes.

~~((4))~~ (1) All steam pipes that are within 7 feet of the floor or working platform, and with which the worker may come into contact, shall be insulated or covered with a heat-resistive material or shall be otherwise properly guarded (to prevent direct contact with the worker).

~~((5))~~ (2) Where pressure-reducing valves are used, one or more relief or safety valves shall be provided on the low-pressure side of the reducing valve, in case the piping or equipment on the low-pressure side does not meet the requirements for full initial pressure. The relief or safety valve shall be located adjacent to, or as close as possible to, the reducing valve. Relief and safety valves vented to the atmosphere shall be so constructed as to prevent injury or damage caused by fluid escaping from relief or safety valves. The vents shall be of ample size and as short and direct as possible. The combined discharge capacity of the relief valves shall be such that the pressure rating of the lower-pressure piping and equipment will not be exceeded if the reducing valve sticks or fails to open.

#### AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-02501 GENERAL. (1) ~~((Floors. (a))~~ The floors of every room in a laundry that are used for washing purposes shall be properly constructed of cement, tile, or similar material. The floors shall be watertight, free from projections, crevices, or dangerous gradients. They shall be maintained in good repair and so drained that no water may accumulate.

(b) The floors of every room except washrooms shall be constructed of hardwood or any impervious material, free from protruding nails, splinters, or loose boards, and shall be so maintained.

(2) Table Tops, Shelves, and Machine Woodwork. Table tops, shelves, and machine woodwork shall be constructed of materials properly surfaced, finished free from splinters, and so maintained.

~~((3))~~ Markers. Markers and others handling soiled clothes shall be warned against touching the eyes, mouth, or any part of the body on which the skin has been broken by a scratch or abrasion; and they shall be cautioned not to touch or eat food until their hands have been thoroughly washed.

~~((4))~~ Ventilation. Where artificial ventilation is necessary to the maintenance of comfortable working conditions, an adequate ventilating system shall be installed as specified in WAC 296-62-110 of the General Occupational Health Standards.

~~((5))~~ (2) Instruction of employees. Employees shall be properly instructed as to the hazards of their work and be instructed in safe practices, by bulletins, printed rules, and verbal instructions.

#### AMENDATORY SECTION (Amending Order 74-18, filed 5/6/74)

WAC 296-303-02503 MECHANICAL. ~~((1))~~ Safety guards. ~~((2))~~ No safeguard, safety appliance, or device attached to, or forming an integral part of any machinery shall be removed or made ineffective except for the purpose of making immediate repairs or adjustments. Any such safeguard, safety appliance, or device removed or made ineffective during the repair or adjustment of such machinery shall be replaced immediately upon the completion of such repairs or adjustments.

~~((3))~~ No machine shall be operated until such repairs and adjustments have been made and the machine is in good working condition.

(2) Steam-Pressure Apparatus. Steam machines shall not be operated at a pressure above that given by the manufacturer's pressure rating as shown on name plate. If the steam source is at a pressure higher than that given by the manufacturer's rating, a stop valve, reducing valve, pressure gage, and safety valve shall be installed, in the order named, from the source. The safety valve shall be located in a nonhazardous place.

(3) Machine Adjustments. No moving parts of any machine shall be oiled, cleaned, adjusted, or repaired while said machine is in operation or in motion except that the rolls of adjusting machines not equipped with hand-power means shall be operated at the slowest speed possible with an operator constantly at the starting mechanism.

(4) Extractors. Each extractor shall be dismantled and inspected at least once a year and, if necessary, repaired. Overdriven extractors, if provided with handholes through which basket and rings can be inspected, need not be dismantled.)

#### REPEALER

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

- (1) WAC 296-303-01001 GENERAL INDUSTRIAL SAFETY STANDARDS.
- (2) WAC 296-303-01003 DEFINITIONS.
- (3) WAC 296-303-02005 FINISHING MACHINES.
- (4) WAC 296-303-030 MOVING PARTS.
- (5) WAC 296-303-040 STARTING AND STOPPING DEVICES.

WSR 79-10-087

ADOPTED RULES

DEPARTMENT OF LICENSING

(Veterinary Board of Governors)

[Order 318—Filed September 21, 1979]

Be it resolved by the Veterinary Board of Governors, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to practical examination required of applicants licensed in other states.

This action is taken pursuant to Notice No. WSR 79-08-096 filed with the code reviser on 7/30/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.92.030 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 20, 1979.

By Dr. William H. Gustafson  
Chairman



**NEW SECTION**

**WAC 308-151-070 PRACTICAL EXAMINATION REQUIREMENT.** In order to be licensed, any applicant for licensure after November 1, 1979 who has a current license by examination in another state, or who has passed a written examination approved by the Board will be required to pass a practical examination prepared and administered by the Board. This requirement may be waived for applicants who apply to licensure pursuant to RCW 18.92.130.

**WSR 79-10-088**  
**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**  
 [Memorandum—September 18, 1979]

The State Hospital Commission is scheduled to meet on Thursday, October 11, 1979, beginning at 9:30 a.m., at the Vance Airport Inn at Sea-Tac, Seattle, Washington. The hospitals scheduled for informal hearings have previously filed with the Commission their annual budget and rate requests or their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-40-135. Such information is on file in the Commission's office and is available for inspection.

**WSR 79-10-089**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-94—Filed September 21, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is areas 5, 6, 6A, 6C, 7, and 7A are restricted to protect naturally spawning Puget Sound coho stocks and Canadian chinook, coho, and chum salmon. Analysis of test fishing shows chinook are no longer present in significant numbers in Area 6D and the lower portion of the Elwha River.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure

Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 21, 1979.  
 By Gordon Sandison  
 Director

**NEW SECTION**

**WAC 220-28-00500N CLOSED AREA** Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 5 east of a line projected from Pillar Point to Sheringham Point.

**NEW SECTION**

**WAC 220-28-00600N CLOSED AREA** Effective September 23, 1979 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 6.

**NEW SECTION**

**WAC 220-28-006A0J CLOSED AREA** Effective September 23, 1979 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 6A.

**NEW SECTION**

**WAC 220-28-006C0H CLOSED AREA** Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 6C.

**NEW SECTION**

**WAC 220-28-006G0F CLOSED AREA** Effective immediately through September 29, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from that portion of the Elwha River downstream from the tribal hatchery intake.

**NEW SECTION**

**WAC 220-28-00700E CLOSED AREA** Effective September 23, 1979 until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with purse seine and gill net gear in Puget Sound Salmon Management and Catch Reporting Area 7.



NEW SECTION

**WAC 220-28-007A0D** **CLOSED AREA** Effective September 23, 1979 until further notice unless otherwise indicated by IPSFC, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with purse seine or gill net gear in Puget Sound Salmon Management and Catch Reporting Area 7A.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-28-00500M **CLOSED AREA** (79-48)
- WAC 220-28-006C0G **CLOSED AREA** (79-48)
- WAC 220-28-006D0D **CLOSED AREA** (79-76)
- WAC 220-28-006G0E **CLOSED AREA** (79-69)

effective September 23, 1979:

- WAC 220-28-00600M **CLOSED AREA** (79-48)
- WAC 220-28-006A0I **CLOSED AREA** (79-48)
- WAC 220-28-00700D **CLOSED AREA** (79-48)
- WAC 220-28-007A0C **CLOSED AREA** (79-48)

**WSR 79-10-090**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 79-95—Filed September 21, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the desired upriver fall chinook escapement will not be met this year and maximum protection is required for all spawners.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 21, 1979.  
By Gordon Sandison  
Director

NEW SECTION

**WAC 220-57-16000F** **COLUMBIA RIVER AND TRIBUTARIES** Notwithstanding the provisions of WAC 220-57-160, WAC 220-57-315, WAC 220-57-505 and WAC 220-57-515 effective 12:01 a.m. September 24, 1979 until further notice Bag Limit C shall apply to personal use salmon angling in the following waters:

- Columbia River - downstream from Chief Joseph Dam to Bonneville Dam.
- Klickitat River
- White Salmon River
- (Little) White Salmon River (Drano Lake)
- Wind River

**WSR 79-10-091**  
**EXECUTIVE ORDER**  
**OFFICE OF THE GOVERNOR**  
 [EO 79-04]

**WASHINGTON STATE EMPLOYMENT AND TRAINING COUNCIL, BALANCE OF WASHINGTON STATE PLANNING ADVISORY COUNCIL, AND BALANCE OF WASHINGTON STATE PRIVATE INDUSTRY COUNCIL**

WHEREAS, the prosperity and general welfare of the state is dependent upon the capacity of its citizens to train for and to secure employment consistent with their abilities and interests; and

WHEREAS, it is recognized that there are not enough meaningful jobs available to employ all persons who are willing and able to work; and

WHEREAS, federal and state appropriations being necessarily limited, it is of the utmost importance to develop just, economical, effective, and coordinated employment and training services, such as career development, placement, employment generating and economic development activities together with other programs and supportive services; and

WHEREAS, coordination with the private sector of the economy is necessary for the success of any program which has placement of people in jobs as a goal; and

WHEREAS, the effective use of funds requires the establishment of a system whereby goals are properly defined and met in the operation of the comprehensive and integrated system of employment and training services, which includes the private sector; and

WHEREAS, such a system should include the cooperation of all federal, state, local, public and private efforts in meeting the needs for employment, training, and education services and should design, implement and evaluate new and imaginative approaches in providing these services to the people of the state of Washington within the structure of priorities based on need and a statewide employment and training policy.

NOW, THEREFORE, I, Dixy Lee Ray, Governor of the state of Washington, by virtue of the power vested in me as the Chief Executive, and in accordance with the charge to the Governors of these United States contained in the Comprehensive Employment and Training Act Amendments of 1978, do hereby proclaim the following Executive Order:

1. There is hereby created the Washington State Employment and Training Council (hereinafter referred to as the "Council"), which shall serve for the purpose of compliance with Section 110 of the Comprehensive Employment and Training Act Amendments of 1978 (hereinafter referred to as the "Act"); and, separately, the Balance of Washington State Planning Advisory Council (hereinafter referred to as the "Planning Advisory Council") which shall serve for the purpose of compliance with Section 109 of the Act; and in addition, the Balance of State Private Industry Council (hereinafter referred to as the "Private Industry Council") which shall serve for the purpose of compliance with Section 704 of the Act.
2. Employment and Training Council members shall be appointed by the Governor and shall serve a two-year term unless otherwise designated.
  - a. At least one-fourth of the Council's membership shall be representatives of units or combination of units of local government, including prime sponsors under the Act. Representatives will be nominated by the Chief Executive Officers of the units or combination of units of local government.
  - b. One-fourth of the membership shall be representatives of organized labor, business, agricultural employers and agricultural workers.
  - c. One-fourth of the Council's membership shall represent the population eligible for services under the Act, and the general public.
  - d. Up to one-fourth of the Council shall be representatives of service delivers, including representatives of the Commission for Vocational Education, the Advisory Council on Vocational Education, the Employment Security Department, the Department of Social and Health Services, and, as the Governor may designate, other state agencies that have an interest in employment and training and human resource utilization. Also included in this portion shall be representatives of community-based organizations, veterans' organizations and handicapped individuals.
- e. The Governor shall appoint one member other than a state employee to be the chairman and one to serve as vice chairman.
- f. The membership shall, to the extent possible, represent diverse geographic areas and socio-economic populations of the state.
- g. The Council shall adopt rules and regulations under which it will function.
3. The Council in conformance with Section 110 of the Public Law 95-524, the Comprehensive Employment and Training Act, as amended, shall be an advisory body to the Governor, the state's employment and training agencies, and the public.
4. The Employment Security Department shall have the responsibility to provide professional, technical, administrative and other staff as it deems necessary to support the activities of the Council.
5. The Planning Advisory Council shall be an advisory body to the Balance of Washington State Prime Sponsor, the Employment Security Department. It shall make recommendations regarding program plans and provide for continuing analysis of the needs for employment, training and related services in such areas. It shall also monitor all employment and training programs carried out under the Act and provide for objective evaluation of employment, training and related programs in the Balance of State area administered by the prime sponsor for the purpose of improving the use and coordination of the delivery of such services.
6. The Planning and Advisory Council members shall be appointed by the Commissioner of the Employment Security Department for a term designated by the Commissioner.
  - a. To the extent practical the Planning Advisory Council shall be representative of the potential population to be served, local government, the Employment Security Department, educational, and training agencies and institutions, business and industry, organized labor and labor not represented by an organization, and agriculture.
  - b. The chairman of each local employment and training advisory council shall be represented on the Planning Advisory Council.
  - c. One member shall be appointed by the Commissioner of the Employment Security Department as chairman.
7. In the development of a comprehensive employment and training plan, the Planning Advisory Council shall take into consideration comments and recommendations from the Private Industry Council.

8. Local employment and training advisory councils shall also be established by the Commissioner in such areas as deemed appropriate to further the purposes of this Act. Each such council shall be a sub-unit of the Planning Advisory Council to provide advice and support to the Planning Advisory Council regarding employment and training activities in the area in which the local council is located.
9. The Employment Security Department shall provide support services as it deems necessary for the activities of the Planning Advisory Council.
10. The Private Industry Council shall be an advisory body to the Balance of Washington State Prime Sponsor, the Employment Security Department. It shall serve as an intermediary to assist the local employment and training system to become more responsive to the private sector of the economy. The Private Industry Council shall be the business and industry contact point in the local employment and training system in order to present the private sector's recommendations for making programs more responsive to local employment needs. The Private Industry Council shall advise and provide direction to the Balance of State Prime Sponsor on methods of increasing job placements in the private sector for participants in programs under the Act.
11. The Private Industry Council members shall be appointed by the Commissioner of the Employment Security Department for a term designated by the Commissioner.
  - a. The Private Industry Council shall be made up of representatives of business and industry including small and minority businesses, organized labor, community-based organizations, educational institutions and agencies, and others as the prime sponsor deems appropriate.
  - b. A majority of the Private Industry Council shall be representatives from business and industry.
  - c. The members of the Private Industry Council shall select from among the business and industry representatives one person to serve as chairman and one to serve as vice chairman.
12. The Private Industry Council shall participate with the prime sponsor in the development and implementation of projects under the Private Sector Initiative Program, and also shall consult with the prime sponsor in respect to other CETA programs.
13. The prime sponsor may establish local private industry councils which shall be advisory to the Balance of State Private Industry Council. For this purpose, existing organizations may be adapted to serve as local private industry councils.
14. The Employment Security Department shall provide staff as it deems necessary for the activities of the Private Industry Council.
15. Executive Order 77-06 dated July 29, 1977 is hereby rescinded.

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the Seal of  
the state of Washington to  
be affixed at Olympia this  
14th day of September,  
1979.

DIXY LEE RAY

\_\_\_\_\_  
Governor of Washington

By the Governor

Bruce Chapman

\_\_\_\_\_  
Secretary of State

**WSR 79-10-092**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
[Filed September 24, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning nonsmoking areas in restaurants, new WAC 248-152-035;

that such agency will at 9:00 a.m., Wednesday, November 14, 1979, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 14, 1979, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 14, 1979, and/or orally at 9:00 a.m., Wednesday, November 14, 1979, South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

Dated: September 21, 1979

By: John A. Beare MD  
Secretary

NEW SECTION

**WAC 248-152-035 NONSMOKING AREAS IN RESTAURANTS.** Restaurants with a seating capacity of over 75 persons shall provide and post notice of availability of seating space free of tobacco smoke for use by nonsmokers and other customers requesting seating in a smoke-free area.

**WSR 79-10-093**  
**PROPOSED RULES**  
**BOARD OF HEALTH**  
[Filed September 24, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning nonflammable medical gases, amending WAC 248-18-280;

that such agency will at 9:00 a.m., Wednesday, November 14, 1979, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 14, 1979, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 14, 1979, and/or orally at 9:00 a.m., Wednesday, November 14, 1979, South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

Dated September 21, 1979  
By: John A. Beare MD  
Secretary

AMENDATORY SECTION (Amending Order 176, filed 4/2/79)

**WAC 248-18-280 NONFLAMMABLE MEDICAL GASES.**

(1) Nonflammable medical gases shall include but not be limited to oxygen, nitrous oxide, medical compressed air, carbon dioxide, helium, nitrogen and mixtures of such gases when used for medical purposes.

(2) Medical gas gauges, alarms and manometers shall be tested for accuracy periodically and be conspicuously labeled "(Name of gas), use no oil".

(3) "No Smoking" signs shall be posted where oxygen is being administered.

(4) Oxygen tent canopies shall be fabricated of slow burning or noncombustible material.

(5) Electric equipment used in an oxygen enriched environment shall be properly designed for use with oxygen and should be labeled for use with oxygen.

(6) Procedures shall specify the safe storage and handling of medical gas containers.

(7) Upon completion of any alteration, modification or repair of medical gas piping systems in which any line in the system is disconnected or disrupted, qualified personnel shall conduct appropriate tests, to include oxygen analysis and to assure that medical gas outlets within the disconnected or disrupted system are delivering the proper gas as shown on the outlet label. There shall be documentation that tests have occurred.

**WSR 79-10-094**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-96—Filed September 24, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is water level has returned to normal, allowing a personal use fishery to resume in Capitol Lake.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 24, 1979.  
By Gordon Sandison  
Director

REPEALER

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-57A-03000C CAPITOL LAKE (79-74)**

**WSR 79-10-095**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1439—Filed September 25, 1979]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-86-050 Inpatient hospital care.  
Amd WAC 388-92-045 Medical care—Excluded resources.

This action is taken pursuant to Notice No. WSR 79-08-021 filed with the code reviser on 7/12/79. Such rules shall take effect pursuant to RCW 34.04.040 (2).

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

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

APPROVED AND ADOPTED September 19, 1979.

By N.S. Hammond  
Executive Assistant

AMENDATORY SECTION (Amending Order 1395, filed 5/16/79)

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

~~((2) Hospitalization requires approval of~~

~~(a) the local medical consultant for admission and extension of length of stay for recipients of GAU and MO;~~

~~(b) the local medical consultant for prior approved nonemergent surgery, or~~

~~(c) the professional standards review organization (PSRO) for medical illness and emergent surgery for recipients on federally related programs.))~~

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

(a) The local medical consultant for:

(i) Prior approval of nonemergent surgery;

(ii) admission and length of stay for recipients on the GAU and MO programs;

(iii) retroactive certification and out-of-state care, including hospitalization in border cities, for recipients on federal aid programs;

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

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

(ii) admission and length of stay for recipients on federal programs.

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (see WAC 388-80-005(46) and 388-87-013(2)). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. In rare instances medical complications develop or new medical conditions are diagnosed which may require care exceeding the maximum number of days of hospitalization provided for under the specified PAS time limits. In such cases, when

presented within sixty days of final service and adequately justified by the attending physician, extensions may be granted by the chief of the office of medical assistance, or by his professional designee, or by the full time medical consultant in the CSO or regional office where such is employed for recipients of GAU and MO. The professional standards review organization (PSRO) will determine length of stay for recipients on federally-related programs.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

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

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

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

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

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

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

AMENDATORY SECTION (Amending Order 1015, filed 3/27/75)

WAC 388-92-045 EXCLUDED RESOURCES. Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in

excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home as defined in WAC 388-28-420. The proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are re-invested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(2) Household goods and personal effects as defined in WAC 388-28-430(1).

(3) An automobile will be totally excluded if it is used for employment or for the individual's medical treatment; otherwise, the current retail market value up to \$1,200, any excess to be counted against the resource limit in WAC 388-92-050.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed limits which take into account the nature of the business and the gross and net income such business may be expected to produce in light of such property.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of ((20)) twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations in WAC 388-92-050 and the excess

must be applied to participation. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within three months if the resource is personal property, and six months if the resource is real property. Any such cash not so used within such time periods is considered as an available resource.

**WSR 79-10-096**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed September 25, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning early and periodic screening, diagnosis and treatment of eligible individuals under twenty-one years of age, amending WAC 388-86-027.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond  
Executive Assistant  
Department of Social and Health Services  
Mail stop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, November 7, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA, conduct a hearing relative;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 14, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 10:00 a.m., Wednesday, November 7, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: September 24, 1979  
By: N.S. Hammond  
Executive Assistance

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

**WAC 388-86-027 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT OF ELIGIBLE INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE.** (1) The department will make available to individuals under twenty-one years of age (see WAC 388-86-005) who are recipients of medical assistance (MA), early and periodic screening and diagnosis to ascertain their physical and/or mental defects, and preventive health care and treatment to correct or ameliorate the defects and chronic conditions discovered thereby, to the extent provided under these rules. There will be freedom of choice in obtaining screening services from among participating providers. The following services are included in the program:

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

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

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

(c) Treatment shall be limited to the same amount, duration, and scope of care available to other recipients of medical assistance (MA), except regardless of any such limitations, eyeglasses, hearing aids and other kinds of treatment for visual and hearing defects, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health shall be provided for those determined to be in need of such care, subject, however, to such utilization controls as may be imposed by the department.

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

(3) EPSDT represents an exception to the requirement for comparability of services under Title XIX. EPSDT services to individuals under ~~((±))~~ twenty-one years of age may be provided without providing similar services for those over ~~((±))~~ twenty-one.

**WSR 79-10-097  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Health)  
[Order 1440—Filed September 25, 1979]**

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing homes, readopting chapter 248-14 WAC.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chapter 211, Laws of 1979 1st ex. sess., transferred authority to amend chapter 248-14 WAC from the State Board of Health to the Department of Social and Health Services. The

purpose of this action is to adopt chapter 248-14 WAC as rules of the Department.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 211, Laws of 1979, 1st ex. sess., and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED September 24, 1979.

By N. S. Hammond  
Executive Assistant

*The Department of Social and Health Services hereby adopts Chapter 248-14 WAC as rules of the Department. These rules were last adopted/amended by the following Board of Health Regulations/Orders.*

SECTION	ORDER/REGULATION	DATE FILED
WAC 248-14-001	171	1/23/79
WAC 248-14-010	11	1/ 2/69
248-14-020	14.020	3/11/60
248-14-030	14.030	3/11/60
248-14-040	14.040	3/11/60
248-14-050	14.050	3/11/60
248-14-055	120	7/17/75
248-14-060	41	10/14/70
248-14-065	67	1/13/72
248-14-070	14.070	3/11/60
248-14-080	80	1/ 9/73
248-14-090	14.090	3/11/60
248-14-100	14.100(6)	8/ 4/67
248-14-110	14.110	3/11/60
248-14-120	94	1/ 9/74
248-14-130	14	1/ 2/69
248-14-140	14.140	3/11/60
248-14-150	14.150	3/11/60
248-14-160	29	6/27/69
248-14-170	14.170	3/11/60
248-14-180	14.180	3/11/60
248-14-190	65	1/13/72
248-14-200	14.200	3/11/60
248-14-210	14.210	3/11/60
248-14-220	26	6/27/69
248-14-230	171	1/23/79
248-14-235	171	1/23/79
248-14-240	171	1/23/79
248-14-245	171	1/23/79
248-14-250	171	1/23/79
248-14-260	171	1/23/79
248-14-270	171	1/23/79
248-14-285	105	10/4/74
248-14-290	94	1/ 9/74
248-14-295	133	8/11/76
248-14-296	133	8/11/76
248-14-300	94	1/ 9/74
248-14-401	171	1/23/79

**WSR 79-10-098  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Health)  
[Filed September 25, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal



rules concerning nursing homes, readopting chapter 248-14 WAC.

Chapter 211, Laws of 1979 1st ex. sess., transferred authority to amend chapter 248-14 WAC from the State Board of Health to the Department of Social and Health Services. The purpose of this action is to adopt chapter 248-14 WAC as rules of the department. This action will be taken on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond  
 Executive Assistant  
 Department of Social and Health Services  
 Mailstop OB-44 C  
 Olympia, WA 98504;

that such agency will at 2:00 p.m., Wednesday, November 7, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 14, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is chapter 211, Laws of 1979, 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 2:00 p.m., Wednesday, November 7, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: September 20, 1979

By: N. S. Hammond  
 Executive Assistant

The Department of Social and Health Services hereby adopts Chapter 248-14 WAC as rules of the Department. These rules were last adopted/amended by the following Board of Health Regulations/Orders.

SECTION	ORDER/REGULATION	DATE FILED
WAC 248-14-001	171	1/23/79
WAC 248-14-010	11	1/ 2/69
248-14-020	14.020	3/11/60
248-14-030	14.030	3/11/60
248-14-040	14.040	3/11/60
248-14-050	14.050	3/11/60
248-14-055	120	7/17/75
248-14-060	41	10/14/70
248-14-065	67	1/13/72
248-14-070	14.070	3/11/60
248-14-080	80	1/ 9/73
248-14-090	14.090	3/11/60
248-14-100	14.100(6)	8/ 4/67
248-14-110	14.110	3/11/60
248-14-120	94	1/ 9/74
248-14-130	14	1/ 2/69
248-14-140	14.140	3/11/60
248-14-150	14.150	3/11/60
248-14-160	29	6/27/69
248-14-170	14.170	3/11/60
248-14-180	14.180	3/11/60
248-14-190	65	1/13/72
248-14-200	14.200	3/11/60
248-14-210	14.210	3/11/60
248-14-220	26	6/27/69
248-14-230	171	1/23/79
248-14-235	171	1/23/79
248-14-240	171	1/23/79
248-14-245	171	1/23/79
248-14-250	171	1/23/79

248-14-260	171	1/23/79
248-14-270	171	1/23/79
248-14-285	105	10/4/74
248-14-290	94	1/ 9/74
248-14-295	133	8/11/76
248-14-296	133	8/11/76
248-14-300	94	1/ 9/74
248-14-401	171	1/23/79

**WSR 79-10-099**

**ADOPTED RULES**

**CHIROPRACTIC DISCIPLINARY BOARD**

[Order PL 315—Filed September 25, 1979]

Be it resolved by the Chiropractic Disciplinary Board, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to educational materials, display of identification, announcements, professional cards, free services and public relations advertising by chiropractors by repealing WAC 113-10-080, 113-12-030, 113-12-045, 113-12-050, 113-12-065, 113-12-070 and 113-12-090; future care contracts by amending WAC 113-12-120; and permitting broadcast advertising by amending WAC 113-12-150.

This action is taken pursuant to Notice No. WSR 79-08-083 filed with the code reviser on 7/27/79. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Chiropractic Disciplinary Board as authorized in RCW 18.26.110(1) and 18.26.110(2).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 8, 1979.

By James F. Dawson  
 Secretary

**REPEALER**

The following section of the Washington Administrative Code is repealed:

(1) WAC 113-10-080 EDUCATIONAL MATERIAL.

**AMENDATORY SECTION** (Amending Order #PL 145, filed 6-6-73)

**WAC 113-12-120 FUTURE CARE CONTRACTS PROHIBITED.** It shall be considered unprofessional conduct for any chiropractor to enter into a written contract ((with)) which would obligate a patient for care to be rendered in the future.

**AMENDATORY SECTION** (Amending Order PL 287, filed 4-25-78)

**WAC 113-12-150 ETHICAL STANDARDS - PROHIBITED PUBLICITY AND ADVERTISING.** A chiropractor shall not, on behalf of himself, his partner, associate or any other chiropractor affiliated with his

office or clinic, use or allow to be used any form of public communications or advertising which:

- (1) is false, fraudulent, deceptive, misleading, or sensational;
- (2) uses testimonials;
- (3) guarantees any ~~((treatment or))~~ result of care;
- (4) offers gratuitous goods or services or discounts in connection with chiropractic services, but this clause shall not be construed to relate to the negotiation of fees between chiropractors and patients or to prohibit the rendering of chiropractic services for which no fee is charged;
- (5) makes claims of professional superiority;
- (6) states or includes prices for chiropractic services except as provided for in WAC 113-12-160;
- (7) fails to differentiate chiropractic care from all other methods of healing;
- (8) advertises a service outside the practice of chiropractic as permitted in Washington;
- (9) ~~((is broadcast on radio or television; or ((+10)))~~ otherwise exceeds the limits of WAC 113-12-160.

#### REPEALER

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

- (1) WAC 113-12-030 DISPLAY OF IDENTIFICATION.
- (2) WAC 113-12-045 ANNOUNCEMENTS.
- (3) WAC 113-12-050 MATERIAL FOR DISTRIBUTION.
- (4) WAC 113-12-065 PROFESSIONAL CARDS.
- (5) WAC 113-12-070 REPRESENTATIONS AS TO FREE SERVICES.
- (6) WAC 113-12-090 PUBLIC RELATIONS ADVERTISING.

**WSR 79-10-100**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-97—Filed September 25, 1979]

I, Gordon Sandison, director of Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the Hoko, Clallam, East Twin, West Twin, and Lyre rivers are closed for local coho protection. Swinomish Channel is closed to protect naturally spawning coho bound for the Skagit River. Analysis of test fishing shows that chinook are no longer present in significant numbers in the lower Dungeness

River and chinook and pink require protection in the upper river. Management needs of coho now prevail in the White River.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 25, 1979.

By Gordon Sandison  
Director

#### NEW SECTION

WAC 220-28-005F0H CLOSED AREA Effective September 30 through November 3, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Hoko, Clallam, East Twin, West Twin, and Lyre rivers.

#### NEW SECTION

WAC 220-28-006F0F CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from that portion of the Dungeness River upstream from the mouth of Matriotti Creek.

#### NEW SECTION

WAC 220-28-006G0G CLOSED AREA Effective immediately through September 29, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from that portion of the Elwha River upstream from the tribal hatchery intake.

#### NEW SECTION

WAC 220-28-007G0E CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Samish River.

#### NEW SECTION

WAC 220-28-008J0A CLOSED AREA Effective immediately through October 13, 1979, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the Swinomish Channel south of the Great Northern Railroad Bridges.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 220-28-006F0E CLOSED AREA—MESH RESTRICTION (79-60)

WAC 220-28-006G0F CLOSED AREA (79-94)

WAC 220-28-007G0D CLOSED AREA (79-46)

WAC 220-28-011G0D CLOSED AREA (79-76)

effective September 30, 1979:

WAC 220-28-005F0G CLOSED AREA (79-59)

**WSR 79-10-101**

**ADOPTED RULES**

**HEALTH CARE FACILITIES AUTHORITY**

[Order 2, Resolution 79-3—Filed September 26, 1979]

Be it resolved by the Washington Health Care Facilities Authority, acting at the office of the Governor, Legislative Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the organization and general operating rules of the Authority; and the procedures for the preparation and processing of applications for financing of health care facilities, and for the issuance of bonds, through the Authority.

This action is taken pursuant to Notice. No. WSR 79-08-037 filed with the code reviser on July 17, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.37.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 12, 1979.

By Dixy Lee Ray  
Chairman  
Anthony I. Eyring  
Secretary

**TITLE 247 WAC  
WASHINGTON HEALTH CARE FACILITIES  
AUTHORITY**

**Chapters**

- 247-02 Organization, Operations and Procedures
- 247-12 Public Records
- 247-16 Procedures and Fees for Preparation and Processing of Applications for Authority Assistance

**Chapter 247-02 WAC  
ORGANIZATION, OPERATIONS AND PROCEDURE**

**WAC**

- 247-02-010 Purpose
- 247-02-020 Rules of Interpretation
- 247-02-030 Definitions
- 247-02-040 Description of Organization
- 247-02-050 Operations and Procedures

**NEW SECTION**

**WAC 247-02-010 PURPOSE.** The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of chapter 42.17 RCW (Initiative 276), and chapter 34.04 RCW.

**NEW SECTION**

**WAC 247-02-020 RULES OF INTERPRETATION.** (1) All adjectives and adverbs, including but not limited to the words "adequate," "approved," "qualified," "reasonable," "reputable," "satisfactory," "sufficiently," and "suitable," as used in Title 247 WAC to qualify a person, procedure, process or otherwise shall be as determined by the Authority or its designee.

(2) Where the word "shall" is used in Title 247 WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in Title 247 WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in Title 247 WAC, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman.

**NEW SECTION**

**WAC 247-02-030 DEFINITIONS.** (1) "Act" means chapter 147, Laws of 1974, 1st ex. sess., and chapter 70.37 RCW.

(2) "Washington Health Care Facilities Authority" and "Authority" each mean the corporate and politic public body created by the Act and also refer to the staff and employees of the Authority.

The terms defined in the Act shall have the same meaning when used in Title 247 WAC.

**NEW SECTION**

**WAC 247-02-040 DESCRIPTION OF ORGANIZATION.** (1) The Authority is a public entity established under the provisions of chapter 70.37 RCW, which exercises essential governmental functions.

(2) Members. The Authority consists of the Governor; the Lieutenant Governor; the Insurance Commissioner; the Chairman of the Washington State Hospital Commission; and one public member appointed by the Governor on the basis of his or her interest or expertise in health care delivery, and confirmed by the Senate for

a term of four years. If the public office of any of the first four mentioned members is abolished, the resulting vacancy on the Authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof.

(3) Officers. The officers of the Authority shall be a Chairman, who shall be the Governor, and a Secretary. The Secretary shall hold office for two years, or until his or her successor is later elected, and shall be elected by a majority vote of the members from among themselves. Whenever a vacancy occurs in the office of Secretary, the members of the Authority shall elect a successor who shall serve out the remaining term.

(4) Authority staff: The staff of the Authority shall consist of an Executive Director and such other employees as are determined by the Authority as necessary to fulfill its responsibilities and duties. The Executive Director shall be the chief administrative officer of the Authority and subject to its direction. All other staff shall be under his or her supervision and direction. The Executive Director shall keep a record of the proceedings of the Authority and, when required by the Authority, shall sign notes, contracts and other instruments and affix thereto the seal of the Authority. The Executive Director shall have custody of and be responsible for all moneys and securities of the Authority and shall deposit all such moneys forthwith in such banks as the Authority may designate from time to time.

Provided, however, that the Secretary of the Authority, elected from time to time, shall exercise the duties of Executive Director specified in these rules until such time as an Executive Director is retained by the Authority.

(5) Administrative Office: The Administrative Office of the Authority shall be located, until such time as an Executive Director and/or staff are retained by the Authority, at 4300 Seattle-First National Bank Building, Seattle, WA 98154, which office shall be open each day for the transaction of business from 9:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted, and except for business relating to public records, which is governed by WAC 247-12-050).

(6) Address for Communications: All communications with the Authority, including but not limited to the submission of materials pertaining to its operations and these rules, requests for copies of the Authority's decisions and other matters, until such time as an Executive Director and/or staff are retained by the Authority, shall be addressed as follows: Washington Health Care Facilities Authority, 4300 Seattle-First National Bank Building, Seattle, WA 98154.

## NEW SECTION

WAC 247-02-050 OPERATIONS AND PROCEDURES. (1) Uniform Procedure Rules: Practice and procedure in and before the Authority are governed by the Uniform Procedural Rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the Authority adopts as its own, subject to any additional rules the Authority may add from time to time.

The Authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the Authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority Meetings: The meetings of the Authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the Chairman or a majority of the members of the Authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the Executive Director in consultation with the Chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the Chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the Chairman or by a majority of all members of the Authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the Authority except as specified hereafter in WAC 247-02-050(7).

(4) Chairman's Voting Rights: The Chairman shall have the right to vote on all matters before the Authority, just as any other Authority member.

(5) Minutes of Meetings: Minutes shall be kept of the proceedings of the Authority.

(6) Rules of Order: The Authority shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(7) Form of Authority Action: The Authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when adopting a plan and system of an applicant pursuant to WAC 247-16-080, and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the Authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the Authority and shall be signed by the Chairman and attested by the Secretary. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting.

(8) Public participation in the meetings of the Authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the Authority shall so notify the Executive Director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person

and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the Authority shall be granted by the Executive Director as authorized by the Authority.

(iii) Confirmation of permission to make a presentation to the Authority shall be made, if at all possible, by the Authority staff prior to the meeting of the Authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The Chairman of the Authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the Chairman.

#### Chapter 247-12 WAC PUBLIC RECORDS

#### WAC

247-12-010	Purpose
247-12-020	Definitions
247-12-030	Public Records Available
247-12-040	Public Records Officer
247-12-050	Office Hours
247-12-060	Requests for Public Records
247-12-070	Copying
247-12-080	Exemptions and Denials of Requested Public Records
247-12-090	Review of Denials of Public Records Requests
247-12-100	Protection of Public Records
247-12-101	Records Index

#### NEW SECTION

WAC 247-12-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of RCW 42.17.250 through .340, dealing with public records.

#### NEW SECTION

WAC 247-12-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Washington Health Care Facilities Authority" and "Authority" each refers to that state agency described in WAC 247-02-030.

#### NEW SECTION

WAC 247-12-030 PUBLIC RECORDS AVAILABLE. All public records of the Authority are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

#### NEW SECTION

WAC 247-12-040 PUBLIC RECORDS OFFICER. The Authority's public records shall be under the charge of the Public Records Officer designated by the Executive Director of the Authority. The person so designated shall be located in the Administrative Office of the Authority. The Public Records Officer shall be responsible for implementing the Authority's rules and regulations regarding release of public records, coordinating the staff of the Authority in this regard and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

#### NEW SECTION

WAC 247-12-050 OFFICE HOURS. Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

#### NEW SECTION

WAC 247-12-060 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasion of privacy, that they protect public records from damage or disorganization and that they prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Authority, which form shall be available at its Administrative Office. The form shall be presented by the Public Records Officer, or to any member of the Authority's staff if the Public Records Officer is not available, at the Administrative Office of the Authority during the office hours specified in WAC 247-12-050. The request shall include the following information:

- The name of the person requesting the record;
- The time of day and calendar date on which the request was made;
- The nature of the request;
- If the matter requested is referenced within the current index maintained by the Public Records Officer, a reference to the requested record as it is described in such current index;
- If the requested matter is not identifiable by reference to the Authority's current index, an appropriate description of the record requested.

**NEW SECTION**

**WAC 247-12-070 COPYING.** No fee shall be charged for the inspection of public records. The Authority shall charge a fee of 25 cents per page of copy for providing copies of public records and for use of the Authority's copying equipment. This charge is the amount necessary to reimburse the Authority for its actual costs incident to such copying.

**NEW SECTION**

**WAC 247-12-080 EXEMPTIONS AND DENIALS OF REQUESTED PUBLIC RECORDS.** (1) The Authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 247-12-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the Authority reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The Public Records Officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

**NEW SECTION**

**WAC 247-12-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer or other staff member denying the request shall refer it to the Executive Director of the Authority. The Executive Director may request that a special meeting of the Authority be called as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

**NEW SECTION**

**WAC 247-12-100 PROTECTION OF PUBLIC RECORDS.** In order that public records maintained on the premises of the Authority may be protected from damage or disorganization as required by chapter 42.17 RCW, the following procedures and practices are hereby instituted:

(1) Upon receipt of a request by a member of the public for a public record, the Public Records Officer or the staff member in the Authority's office receiving the request shall review the request for a public record and the requested public record to determine whether deletions from such record should be made or the request for such record should be denied pursuant to WAC 247-12-080.

(2) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(3) Only the staff and members of the Authority may open Authority files to gain access to Authority records for either Authority business or to respond to a request for a public record.

(4) No public record of the Authority may be taken from the premises of the Authority by a member of the public.

(5) Public inspection of Authority records shall be done only in such locations as are approved by the Public Records Officer, which locations must provide an opportunity for Authority staff members to ensure that no public record of the Authority is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(6) Public records of the Authority may be copied only on the copying machines of the Authority unless other arrangements are authorized by the Public Records Officer.

**NEW SECTION**

**WAC 247-12-101 RECORDS INDEX.** (1) The Authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy statute and the Constitution which have been adopted by the Authority;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies, and reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the Commission relating to any regulatory, supervisory or enforcement responsibilities of the Authority whereby the Authority determines, or opines upon, or is asked to determine or opine upon the rights of the state, the public, a subdivision of state government or any private party.

(2) The current index promulgated by the Authority shall be available to all persons under the same rules and

on the same conditions as are applied to public records available for inspection.

#### Chapter 247-16 WAC

### PROCEDURES AND FEES FOR PREPARATION AND PROCESSING OF APPLICATIONS FOR AUTHORITY ASSISTANCE

#### WAC

247-16-010	Purpose
247-16-020	Definitions
247-16-030	Applications for Financial Assistance
247-16-040	Fees
247-16-050	Processing of Application
247-16-060	Priorities Regarding Applicant Funding
247-16-070	Authority Action on Applications
247-16-080	Adoption of Plan and System

#### NEW SECTION

**WAC 247-16-010 PURPOSE.** The purpose of this chapter shall be to set forth the procedures pursuant to which the Authority determines those hospitals to which the Authority will give financial assistance.

#### NEW SECTION

**WAC 247-16-020 DEFINITIONS.** (1) "Applicant" means a participant which submits an application to the Authority.

(2) "Application" means a formal request for the providing of bonds for the financing of a health care facility by the Authority, in a format and containing such information as the Authority shall specify in these rules or in the application instructions and which is signed and sworn to by a representative designated by formal action of the applicant's governing board or equivalent.

#### NEW SECTION

**WAC 247-16-030 APPLICATIONS FOR FINANCIAL ASSISTANCE.** Because the needs of hospitals in the state vary substantially, no application forms shall be provided by the Authority. However, an applicant should furnish the following information to the Authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the Executive Director of the Authority:

(1) Identification of applicant:

(a) Legal name and address of applicant;

(b) Names, titles and telephone numbers of Chief Executive Officer, Chief Financial Officer and person assigned responsibility for liaison with the Authority;

(c) Names, addresses and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firm (if any);

(d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and ownership of stock, if any; how assets held and by whom; and attach copies of Articles of Incorporation or similar documentation;

(e) If applicant is a private hospital, attach a copy of IRS determination of 501(c)(3) status;

(f) Religious or other group affiliation, if any.

(2) Project for which financial assistance is sought (if applicable):

(a) Amount and requested terms of repayment for financing sought;

(b) General description of project to be accomplished with Authority financial assistance;

(c) Current status of planning for project and dates proposed for (i) completion of drawings for project, if necessary (attach copies if completed); (ii) filing of environmental impact statement, if necessary; (iii) entry into construction contract; and (iv) completion or occupancy;

(d) Recommendations of the appropriate regional Health Systems Agency, and of the State Hospital Commission, or the current status of their respective reviews;

(e) Current status of certificate of need for project. If certificate has been issued, attach copy;

(f) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);

(g) Sources of funds for payment of project costs and dates of expected receipt (assistance from Authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);

(h) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;

(i) Feasibility studies on project, if any (attach copy if one has been completed);

(j) Proposed security for Authority-issued bonds;

(k) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

(3) Debt to be refinanced with Authority assistance (if applicable):

(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;

(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

(c) Most recent decision and order of the State Hospital Commission on its annual review of the applicant's budget;

(d) Holder of debt (if ascertainable);

(e) Any negative debt service payment history;

(f) Proposed security for new Authority-issued debt;

(g) Proposed date schedule for accomplishing debt refinancing.

(4) Finances of applicant:

(a) Audited (if audited) financial statements for past three years;

(b) Latest current financial statement;

(c) Current year's budget of revenues, expenses and capital expenditures;



(d) Projection of revenues, expenses, capital expenditures for next three-five years, including revenues and expenses of proposed project (if applicable);

(e) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;

(f) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.

(5) General:

(a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;

(b) Willingness and ability of applicant to convey all of the real and personal property of hospital or of the project to Authority until bonds are retired, with reconveyance of said property to applicant thereafter for \$10.00. If willing and able to convey, estimate of time to accomplish and any expected obstacles;

(c) Brief description of existing medical facilities, including number of beds, number of medical and other staff, categories of medical services offered, and laboratory and research facilities, if any;

(d) Brief description of hospital expansion plans, if any, in next ten years;

(e) Brief summary of statistics (last three years, if available) on percentage of bed occupancy and types and numbers of patients cared for (inpatient, outpatient, welfare, etc);

(f) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through Authority financing by tax-exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;

(g) Describe means applicant proposes to use to ensure that savings from tax-exempt financing are passed on to patients of applicant.

#### NEW SECTION

WAC 247-16-040 FEES. (1) Authorization to charge fees: The Authority, pursuant to RCW 70.37-.090, shall require applicants to pay fees and charges to the Authority to provide it with funds for investigations, financial feasibility studies, expenses of issuance and sale of bonds, and other charges for services provided by the Authority in connection with projects undertaken, as well as the operating and administrative expenses of the Authority. In accordance with this authorization, an applicant shall pay to the Authority such fees and charges as are necessary to meet any and all expenses incurred by the Authority in connection with the processing of the application of the applicant, together with an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority.

All of the costs and expenses of the Authority shall be paid from such fees. No moneys of the State of Washington shall be expended for such purposes.

(2) Initial payment on fees and charges obligation: An applicant shall submit with its application an initial remittance of \$7,500.00, to be credited against the fees and charges imposed or to be imposed by the Authority on such applicant pursuant to this section. In addition, the application shall contain an appropriate legal commitment to indemnify the Authority against any expenses or costs incurred by it in connection with the processing of the applicant's application and the completion of any project or plan and system subsequently approved and undertaken by the Authority, as well as an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority, which annual fee shall be imposed so long as financing is being provided by the Authority to the applicant.

Provided, however, that the initial applicants whose applications are used for purposes of testing in court the constitutionality of the Act shall pay such fees as are necessary to defray all expenses of the Authority in processing such applications and conducting such court test. The amount or amounts of such fees and the time or times and the manner in which such fees are to be paid shall be determined by the Secretary of the Authority, elected from time to time. Such initial applicants shall provide to the Authority an appropriate legal commitment to indemnify the Authority against such expenses. If such court test is successful and financing is provided by the Authority pursuant to such initial applications, the Authority may waive the levy of annual service fees upon such applicants.

(3) Refund of excess fees: The Authority will refund any surplus fees paid or deposited by an applicant or participant which exceed the actual application-processing expenses and Authority-determined pro rata administrative and operating costs of the Authority.

#### NEW SECTION

WAC 247-16-050 PROCESSING OF APPLICATION. An application will be reviewed by the Executive Director and such Authority staff as he or she determines. Upon completion of Authority staff analysis and recommendations, such staff analysis and recommendations and the application shall be presented to the Authority for appropriate action.

#### NEW SECTION

WAC 247-16-060 PRIORITIES REGARDING APPLICANT FUNDING. The Authority may establish and revise priorities for the providing of assistance to applicants based on criteria which best effectuate the purposes of the Act, including but not limited to:

(1) Determinations of area-wide needs for additional or improved health care facilities;

(2) Determinations regarding public benefit and good; and

(3) Determinations regarding the reasonable expectations that the project can be funded on terms satisfactory to the Authority.

**NEW SECTION**

**WAC 247-16-070 AUTHORITY ACTION ON APPLICATIONS.** (1) The Authority shall meet to review and consider the staff analysis and recommendations and the application.

(2) The Authority may approve an application and its proposed plan or system and adopt a resolution authorizing the issuance of bonds for the requested financing where it determines:

(a) It is necessary or advisable for the benefit of the public health for the Authority to provide financing for the proposed project;

(b) The applicant can reasonably be expected to achieve successful completion of the health care facilities to be financed by the Authority;

(c) The proposed project and the issuance of bonds by the Authority for such project are economically feasible and can be undertaken on terms economically satisfactory to the Authority;

(d) The proposed health care facility, if completed as described in the application, will carry out the purposes and policies of the Act;

(e) The applicant has satisfied the Authority that substantially all of the savings realized by the applicant from the availability of financing through tax-exempt bonds, as contrasted to financing through taxable debt, will be passed on by the applicant to its patients;

(f) The applicant has reasonably satisfied the requirements of the Act and these regulations; and

(g) Other criteria that the Authority has determined are appropriate factors in its decision-making process have been met.

(3) The Authority may approve an application and its proposed plan or system and a bond resolution on a conditional basis where the criteria of WAC 247-16-070(2) have been met and pending satisfaction of such other conditions or requirements as the Authority shall determine to be reasonable and necessary in order to carry out the purposes, policies and requirements of the Act and these regulations. The applicant shall be notified in writing of such conditions or requirements, which may include, but need not be limited to, the amendment of an application, plan, or system or proposed bond resolution in order to meet the availability of funds, changes in costs, or other purposes or circumstances which may enhance the ability of the Authority or the applicant to complete the project or better serve the purposes and policies of the Act. Upon the satisfaction of such additional conditions or requirements, the application shall be deemed approved pursuant to WAC 247-16-070(2).

(4) The Authority may also deny an application; in such event, it shall notify the applicant of such action, specifying in writing the reasons for its denial.

**NEW SECTION**

**WAC 247-16-080 ADOPTION OF PLAN AND SYSTEM.** If the Authority approves an application for the financing of a health care facility pursuant to WAC 247-16-070(2), it shall:

(1) Work out and finalize, in cooperation with the participant, a project plan or system and the agreements

and contracts to be entered into in order to carry out the purposes and policies of the Act, including contracts with respect to construction, financing, maintenance, operation and management;

(2) Adopt a system and plan therefor and declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing, as well as in the construction or purchase or other acquisition, or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs; and

(3) Sell and issue its bonds for the purposes of the proposed plan or system pursuant to the resolution authorizing such bonds.

**WSR 79-10-102****EMERGENCY RULES****HEALTH CARE FACILITIES AUTHORITY**

[Order 3, Resolution 79-4—Filed September 26, 1979]

Be it resolved by the Washington Health Care Facilities Authority, acting at the office of the Governor, Legislative Building, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the organization and general operating rules of the Authority; and the procedures for the preparation and processing of applications for financing of health care facilities, and for the issuance of bonds, through the Authority.

We, the Washington Health Care Facilities Authority, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is implementation of Authority tax-exempt financing requires prior court test of its constitutionality; immediate rules are needed to permit application for such funding as a basis for such test; since such funding should substantially reduce health care costs to both the State and Federal Governments and private individuals, there is urgency to contain and reduce these costs as promptly as possible.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 70.37.050 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 12, 1979.

By Dixy Lee Ray  
Chairman

Anthony I. Eyring  
Secretary

**TITLE 247 WAC  
WASHINGTON HEALTH CARE FACILITIES  
AUTHORITY**

Chapters

- 247-02 Organization, Operations and Procedures
- 247-12 Public Records
- 247-16 Procedures and Fees for Preparation and Processing of Applications for Authority Assistance

**Chapter 247-02 WAC  
ORGANIZATION, OPERATIONS AND PROCE-  
DURES**

**WAC**

- 247-02-010 Purpose
- 247-02-020 Rules of Interpretation
- 247-02-030 Definitions
- 247-02-040 Description of Organization
- 247-02-050 Operations and Procedures

**NEW SECTION**

WAC 247-02-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of chapter 42.17 RCW (Initiative 276), and chapter 34.04 RCW.

**NEW SECTION**

WAC 247-02-020 RULES OF INTERPRETATION. (1) All adjectives and adverbs, including but not limited to the words "adequate," "approved," "qualified," "reasonable," "reputable," "satisfactory," "sufficiently," and "suitable," as used in Title 247 WAC to qualify a person, procedure, process or otherwise shall be as determined by the Authority or its designee.

(2) Where the word "shall" is used in Title 247 WAC, the subject rule or action to which the word relates is mandatory.

(3) Where the word "should" is used in Title 247 WAC, it indicates suggestion or recommendation but not a requirement.

(4) Where the word "may" is used in Title 247 WAC, the action or rule to which the word relates is permissive or discretionary.

(5) Words importing the singular number may also be applied to the plural of persons and things; words importing the plural may be applied to the singular; and words importing the masculine gender or relating to a man may also be extended to the feminine gender and be considered to relate equally to a woman.

**NEW SECTION**

WAC 247-02-030 DEFINITIONS. (1) "Act" means chapter 147, Laws of 1974, 1st ex. sess., and chapter 70.37 RCW.

(2) "Washington Health Care Facilities Authority" and "Authority" each mean the corporate and politic

public body created by the Act and also refer to the staff and employees of the Authority.

The terms defined in the Act shall have the same meaning when used in Title 247 WAC.

**NEW SECTION**

WAC 247-02-040 DESCRIPTION OF ORGANIZATION. (1) The Authority is a public entity established under the provisions of chapter 70.37 RCW, which exercises essential governmental functions.

(2) Members. The Authority consists of the Governor, the Lieutenant Governor, the Insurance Commissioner, the Chairman of the Washington State Hospital Commission; and one public member appointed by the Governor on the basis of his or her interest or expertise in health care delivery, and confirmed by the Senate for a term of four years. If the public office of any of the first four mentioned members is abolished, the resulting vacancy on the Authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof.

(3) Officers. The officers of the Authority shall be a Chairman, who shall be the Governor, and a Secretary. The Secretary shall hold office for two years, or until his or her successor is later elected, and shall be elected by a majority vote of the members from among themselves. Whenever a vacancy occurs in the office of Secretary, the members of the Authority shall elect a successor who shall serve out the remaining term.

(4) Authority staff: The staff of the Authority shall consist of an Executive Director and such other employees as are determined by the Authority as necessary to fulfill its responsibilities and duties. The Executive Director shall be the chief administrative officer of the Authority and subject to its direction. All other staff shall be under his or her supervision and direction. The Executive Director shall keep a record of the proceedings of the Authority and, when required by the Authority, shall sign notes, contracts and other instruments and affix thereto the seal of the Authority. The Executive Director shall have custody of and be responsible for all moneys and securities of the Authority and shall deposit all such moneys forthwith in such banks as the Authority may designate from time to time.

Provided, however, that the Secretary of the Authority, elected from time to time, shall exercise the duties of Executive Director specified in these rules until such time as an Executive Director is retained by the Authority.

(5) Administrative Office: The Administrative Office of the Authority shall be located, until such time as an Executive Director and/or staff are retained by the Authority, at 4300 Seattle-First National Bank Building, Seattle, WA 98154, which office shall be open each day for the transaction of business from 9:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted, and except for business relating to public records, which is governed by WAC 247-12-050).

(6) Address for Communications: All communications with the Authority, including but not limited to the submission of materials pertaining to its operations and

these rules, requests for copies of the Authority's decisions and other matters, until such time as an Executive Director and/or staff are retained by the Authority, shall be addressed as follows: Washington Health Care Facilities Authority, 4300 Seattle-First National Bank Building, Seattle, WA 98154.

### NEW SECTION

**WAC 247-02-050 OPERATIONS AND PROCEDURES.** (1) *Uniform Procedure Rules: Practice and procedure in and before the Authority are governed by the Uniform Procedural Rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the Authority adopts as its own, subject to any additional rules the Authority may add from time to time. The Authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the Authority, said determination to be in accordance with the spirit and intent of the law.*

(2) *Authority Meetings: The meetings of the Authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the Chairman or a majority of the members of the Authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the Executive Director in consultation with the Chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the Chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the Chairman or by a majority of all members of the Authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.*

(3) *Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the Authority except as specified hereafter in WAC 247-02-050(7).*

(4) *Chairman's Voting Rights: The Chairman shall have the right to vote on all matters before the Authority, just as any other Authority member.*

(5) *Minutes of Meetings: Minutes shall be kept of the proceedings of the Authority.*

(6) *Rules of Order: The Authority shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.*

(7) *Form of Authority Action: The Authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when adopting a plan and system of an applicant pursuant to WAC 247-16-080, and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the Authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the*

*Authority and shall be signed by the Chairman and attested by the Secretary. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting.*

(8) *Public participation in the meetings of the Authority shall be as follows:*

(a) *Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the Authority shall so notify the Executive Director in writing at least forty-eight hours prior to the time of the meeting.*

(i) *Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.*

(ii) *Permission to make a presentation to the Authority shall be granted by the Executive Director as authorized by the Authority.*

(iii) *Confirmation of permission to make a presentation to the Authority shall be made, if at all possible, by the Authority staff prior to the meeting of the Authority and shall include the date and time of the meeting and time set for the formal presentation.*

(b) *The Chairman of the Authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the Chairman.*

### Chapter 247-12 WAC PUBLIC RECORDS

#### WAC

247-12-010	Purpose
247-12-020	Definitions
247-12-030	Public Records Available
247-12-040	Public Records Officer
247-12-050	Office Hours
247-12-060	Requests for Public Records
247-12-070	Copying
247-12-080	Exemptions and Denials of Requested Public Records
247-12-090	Review of Denials of Public Records Requests
247-12-100	Protection of Public Records
247-12-101	Records Index

### NEW SECTION

**WAC 247-12-010 PURPOSE.** *The purpose of this chapter shall be to ensure compliance by the Washington Health Care Facilities Authority with the provisions of RCW 42.17.250 through .340, dealing with public records.*

### NEW SECTION

**WAC 247-12-020 DEFINITIONS.** (1) *"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or propriety function prepared,*

owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Washington Health Care Facilities Authority" and "Authority" each refers to that state agency described in WAC 247-02-030.

#### NEW SECTION

WAC 247-12-030 PUBLIC RECORDS AVAILABLE. All public records of the Authority are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

#### NEW SECTION

WAC 247-12-040 PUBLIC RECORDS OFFICER. The Authority's public records shall be under the charge of the Public Records Officer designated by the Executive Director of the Authority. The person so designated shall be located in the Administrative Office of the Authority. The Public Records Officer shall be responsible for implementing the Authority's rules and regulations regarding release of public records, coordinating the staff of the Authority in this regard and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

#### NEW SECTION

WAC 247-12-050 OFFICE HOURS. Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

#### NEW SECTION

WAC 247-12-060 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirements of chapter 42.17 RCW that agencies prevent unreasonable invasion of privacy, that they protect public records from damage or disorganization and that they prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the Authority, which form shall be available at its Administrative Office. The form shall be presented by the Public Records Officer, or to any member of the Authority's staff if the Public Records Officer is not available, at the Administrative Office of the Authority during the office hours specified in WAC 247-12-050. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the Public Records Officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the Authority's current index, an appropriate description of the record requested.

#### NEW SECTION

WAC 247-12-070 COPYING. No fee shall be charged for the inspection of public records. The Authority shall charge a fee of 25 cents per page of copy for providing copies of public records and for use of the Authority's copying equipment. This charge is the amount necessary to reimburse the Authority for its actual costs incident to such copying.

#### NEW SECTION

WAC 247-12-080 EXEMPTIONS AND DENIALS OF REQUESTED PUBLIC RECORDS. (1) The Authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 247-12-060 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260, the Authority reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The Public Records Officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

#### NEW SECTION

WAC 247-12-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer or other staff member denying the request shall refer it to the Executive Director of the Authority. The Executive Director may request that a special meeting of the Authority be called as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the Authority has returned the petition with a decision or until the close of the second business

day following denial of inspection, whichever occurs first.

#### NEW SECTION

**WAC 247-12-100 PROTECTION OF PUBLIC RECORDS.** In order that public records maintained on the premises of the Authority may be protected from damage or disorganization as required by chapter 42.17 RCW, the following procedures and practices are hereby instituted:

(1) Upon receipt of a request by a member of the public for a public record, the Public Records Officer or the staff member in the Authority's office receiving the request shall review the request for a public record and the requested public record to determine whether deletions from such record should be made or the request for such record should be denied pursuant to WAC 247-12-080.

(2) Only after a determination has been made that all or such portion of a public record as is not deleted may be inspected shall such public record or portion thereof be made available for inspection by a member of the public.

(3) Only the staff and members of the Authority may open Authority files to gain access to Authority records for either Authority business or to respond to a request for a public record.

(4) No public record of the Authority may be taken from the premises of the Authority by a member of the public.

(5) Public inspection of Authority records shall be done only in such locations as are approved by the Public Records Officer, which locations must provide an opportunity for Authority staff members to ensure that no public record of the Authority is damaged, destroyed, unreasonably disorganized or removed from its proper location or order by a member of the public.

(6) Public records of the Authority may be copied only on the copying machines of the Authority unless other arrangements are authorized by the Public Records Officer.

#### NEW SECTION

**WAC 247-12-101 RECORDS INDEX.** (1) The Authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy statute and the Constitution which have been adopted by the Authority;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultants' reports and studies, scientific reports and studies,

and reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the Commission relating to any regulatory, supervisory or enforcement responsibilities of the Authority whereby the Authority determines, or opines upon, or is asked to determine or opine upon the rights of the state, the public, a subdivision of state government or any private party.

(2) The current index promulgated by the Authority shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

#### Chapter 247-16 WAC PROCEDURES AND FEES FOR PREPARATION AND PROCESSING OF APPLICATIONS FOR AU- THORITY ASSISTANCE

##### WAC

247-16-010	Purpose
247-16-020	Definitions
247-16-030	Applications for Financial Assistance
247-16-040	Fees
247-16-050	Processing of Application
247-16-060	Priorities Regarding Applicant Funding
247-16-070	Authority Action on Applications
247-16-080	Adoption of Plan and System

#### NEW SECTION

**WAC 247-16-010 PURPOSE.** The purpose of this chapter shall be to set forth the procedures pursuant to which the Authority determines those hospitals to which the Authority will give financial assistance.

#### NEW SECTION

**WAC 247-16-020 DEFINITIONS.** (1) "Applicant" means a participant which submits an application to the Authority.

(2) "Application" means a formal request for the providing of bonds for the financing of a health care facility by the Authority, in a format and containing such information as the Authority shall specify in these rules or in the application instructions and which is signed and sworn to by a representative designated by formal action of the applicant's governing board or equivalent.

#### NEW SECTION

**WAC 247-16-030 APPLICATIONS FOR FINANCIAL ASSISTANCE.** Because the needs of hospitals in the state vary substantially, no application forms shall be provided by the Authority. However, an applicant should furnish the following information to the Authority, where applicable, with its request for financial assistance, and such other information as is deemed pertinent by the applicant or the Executive Director of the Authority:

(1) Identification of applicant:

(a) Legal name and address of applicant;

(b) Names, titles and telephone numbers of Chief Executive Officer, Chief Financial Officer and person assigned responsibility for liaison with the Authority;

(c) Names, addresses and telephone numbers of applicant's legal counsel, outside accounting firm and financial consultant or investment banking firm (if any);

(d) Description of applicant's legal structure (e.g., private nonprofit corporation, public district hospital). If private, describe type and ownership of stock, if any, how assets held and by whom; and attach copies of Articles of Incorporation or similar documentation;

(e) If applicant is a private hospital, attach a copy of IRS determination of 501(c)(3) status;

(f) Religious or other group affiliation, if any.

(2) Project for which financial assistance is sought (if applicable):

(a) Amount and requested terms of repayment for financing sought;

(b) General description of project to be accomplished with Authority financial assistance;

(c) Current status of planning for project and dates proposed for (i) completion of drawings for project, if necessary (attach copies if completed); (ii) filing of environmental impact statement, if necessary; (iii) entry into construction contract; and (iv) completion or occupancy;

(d) Recommendations of the appropriate regional Health Systems Agency, and of the State Hospital Commission, or the current status of their respective reviews;

(e) Current status of certificate of need for project. If certificate has been issued, attach copy;

(f) Cost of project (including simple breakdown of costs of general construction, site work, utilities, equipment, land acquisition, architects' and other fees, contingency, interim interest, other);

(g) Sources of funds for payment of project costs and dates of expected receipt (assistance from Authority, interim financing, grants, funds on hand, interest and profit on interim investment of construction funds, other);

(h) Amount of projected revenues to be derived from project, the sources of such revenues, when expected to begin, and a three-year projection;

(i) Feasibility studies on project, if any (attach copy if one has been completed);

(j) Proposed security for Authority-issued bonds;

(k) Contracts or preliminary arrangements with planners, architects, consultants, investment banking firm, if any, regarding project.

(3) Debt to be refinanced with Authority assistance (if applicable):

(a) Amount, date, maturity or maturities, interest rate or rates, prepayment penalties, if any, debt service and form of applicant's existing debt to be refinanced;

(b) Source of revenue for payment of existing debt, security for debt and rating, if any, assigned to debt instruments at time of debt issuance;

(c) Most recent decision and order of the State Hospital Commission on its annual review of the applicant's budget;

(d) Holder of debt (if ascertainable);

(e) Any negative debt service payment history;

(f) Proposed security for new Authority-issued debt;

(g) Proposed date schedule for accomplishing debt refinancing.

(4) Finances of applicant:

(a) Audited (if audited) financial statements for past three years;

(b) Latest current financial statement;

(c) Current year's budget of revenues, expenses and capital expenditures;

(d) Projection of revenues, expenses, capital expenditures for next three-five years, including revenues and expenses of proposed project (if applicable);

(e) Description of long-term debts of applicant, if not already given above, including date incurred, by whom held, debt service schedule, interest rate, form of debt, source of revenues for repayment, security for repayment;

(f) Sources of hospital revenues (private patient, Medicare, Medicaid, welfare, Blue Cross, grants, etc.) and approximate dollar volumes and percentages of total revenues for each source in last three years.

(5) General:

(a) Pending or threatened litigation or administrative actions with potential of material adverse effect on applicant;

(b) Willingness and ability of applicant to convey all of the real and personal property of hospital or of the project to Authority until bonds are retired, with reconveyance of said property to applicant thereafter for \$10.00. If willing and able to convey, estimate of time to accomplish and any expected obstacles;

(c) Brief description of existing medical facilities, including number of beds, number of medical and other staff, categories of medical services offered, and laboratory and research facilities, if any;

(d) Brief description of hospital expansion plans, if any, in next ten years;

(e) Brief summary of statistics (last three years, if available) on percentage of bed occupancy and types and numbers of patients cared for (inpatient, outpatient, welfare, etc);

(f) Estimate of aggregate savings over the life of the proposed financing to be realized by applicant through Authority financing by tax-exempt bonds as compared to financing through taxable obligations. Specify interest assumptions on which savings calculations based;

(g) Describe means applicant proposes to use to ensure that savings from tax-exempt financing are passed on to patients of applicant.

#### NEW SECTION

WAC 247-16-040 FEES. (1) Authorization to charge fees: The Authority, pursuant to RCW 70.37-.090, shall require applicants to pay fees and charges to the Authority to provide it with funds for investigations, financial feasibility studies, expenses of issuance and sale of bonds, and other charges for services provided by the Authority in connection with projects undertaken, as well as the operating and administrative expenses of the Authority. In accordance with this authorization, an applicant shall pay to the Authority such fees and charges



as are necessary to meet any and all expenses incurred by the Authority in connection with the processing of the application of the applicant, together with an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority.

All of the costs and expenses of the Authority shall be paid from such fees. No moneys of the State of Washington shall be expended for such purposes.

(2) **Initial payment on fees and charges obligation:** An applicant shall submit with its application an initial remittance of \$7,500.00, to be credited against the fees and charges imposed or to be imposed by the Authority on such applicant pursuant to this section. In addition, the application shall contain an appropriate legal commitment to indemnify the Authority against any expenses or costs incurred by it in connection with the processing of the applicant's application and the completion of any project or plan and system subsequently approved and undertaken by the Authority, as well as an annual service fee to defray expenses of the Authority in administering and servicing the financing provided to the applicant and other allocable expenses of the Authority, which annual fee shall be imposed so long as financing is being provided by the Authority to the applicant.

Provided, however, that the initial applicants whose applications are used for purposes of testing in court the constitutionality of the Act shall pay such fees as are necessary to defray all expenses of the Authority in processing such applications and conducting such court test. The amount or amounts of such fees and the time or times and the manner in which such fees are to be paid shall be determined by the Secretary of the Authority, elected from time to time. Such initial applicants shall provide to the Authority an appropriate legal commitment to indemnify the Authority against such expenses. If such court test is successful and financing is provided by the Authority pursuant to such initial applications, the Authority may waive the levy of annual service fees upon such applicants.

(3) **Refund of excess fees:** The Authority will refund any surplus fees paid or deposited by an applicant or participant which exceed the actual application-processing expenses and Authority-determined pro rata administrative and operating costs of the Authority.

#### NEW SECTION

**WAC 247-16-050 PROCESSING OF APPLICATION.** An application will be reviewed by the Executive Director and such Authority staff as he or she determines. Upon completion of Authority staff analysis and recommendations, such staff analysis and recommendations and the application shall be presented to the Authority for appropriate action.

#### NEW SECTION

**WAC 247-16-060 PRIORITIES REGARDING APPLICANT FUNDING.** The Authority may establish and revise priorities for the providing of assistance to applicants based on criteria which best effectuate the purposes of the Act, including but not limited to:

(1) Determinations of area-wide needs for additional or improved health care facilities;

(2) Determinations regarding public benefit and good; and

(3) Determinations regarding the reasonable expectations that the project can be funded on terms satisfactory to the Authority.

#### NEW SECTION

**WAC 247-16-070 AUTHORITY ACTION ON APPLICATIONS.** (1) The Authority shall meet to review and consider the staff analysis and recommendations and the application.

(2) The Authority may approve an application and its proposed plan or system and adopt a resolution authorizing the issuance of bonds for the requested financing where it determines:

(a) It is necessary or advisable for the benefit of the public health for the Authority to provide financing for the proposed project;

(b) The applicant can reasonably be expected to achieve successful completion of the health care facilities to be financed by the Authority;

(c) The proposed project and the issuance of bonds by the Authority for such project are economically feasible and can be undertaken on terms economically satisfactory to the Authority;

(d) The proposed health care facility, if completed as described in the application, will carry out the purposes and policies of the Act;

(e) The applicant has satisfied the Authority that substantially all of the savings realized by the applicant from the availability of financing through tax-exempt bonds, as contrasted to financing through taxable debt, will be passed on by the applicant to its patients;

(f) The applicant has reasonably satisfied the requirements of the Act and these regulations; and

(g) Other criteria that the Authority has determined are appropriate factors in its decision-making process have been met.

(3) The Authority may approve an application and its proposed plan or system and a bond resolution on a conditional basis where the criteria of WAC 247-16-070(2) have been met and pending satisfaction of such other conditions or requirements as the Authority shall determine to be reasonable and necessary in order to carry out the purposes, policies and requirements of the Act and these regulations. The applicant shall be notified in writing of such conditions or requirements, which may include, but need not be limited to, the amendment of an application, plan, or system or proposed bond resolution in order to meet the availability of funds, changes in costs, or other purposes or circumstances which may enhance the ability of the Authority or the applicant to complete the project or better serve the purposes and policies of the Act. Upon the satisfaction of such additional conditions or requirements, the application shall be deemed approved pursuant to WAC 247-16-070(2).

(4) The Authority may also deny an application; in such event, it shall notify the applicant of such action, specifying in writing the reasons for its denial.

**NEW SECTION**

**WAC 247-16-080 ADOPTION OF PLAN AND SYSTEM.** *If the Authority approves an application for the financing of a health care facility pursuant to WAC 247-16-070(2), it shall:*

(1) *Work out and finalize, in cooperation with the participant, a project plan or system and the agreements and contracts to be entered into in order to carry out the purposes and policies of the Act, including contracts with respect to construction, financing, maintenance, operation and management;*

(2) *Adopt a system and plan therefor and declare the estimated cost thereof, as near as may be, including as part of such cost funds necessary for the expenses incurred in the financing, as well as in the construction or purchase or other acquisition, or in connection with the rental or other payment for the use thereof, interest during construction, reserve funds and any funds necessary for initial start-up costs; and*

(3) *Sell and issue its bonds for the purposes of the proposed plan or system pursuant to the resolution authorizing such bonds.*

**WSR 79-10-103****EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES****(Board of Natural Resources)**

[Resolution 266—Filed September 26, 1979]

Be it resolved by the Board of Natural Resources, Department of Natural Resources, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to establishing temporary fees to be charged by the Commissioner of Public Lands for services performed, adopting new sections WAC 332-10-150 through 332-10-190.

We, The Board of Natural Resources, Department of Natural Resources, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is that pursuant to chapter 109, Laws of 1979 1st ex. sess. the existing statute relating to charges for services performed by the Commissioner of Public Lands ceases to be effective on September 26, 1979. Pursuant to chapter 109, Laws of 1979 1st ex. sess. the Board of Natural Resources is to promulgate rules relating to leasing of public lands and establish fees for services performed by the Commissioner of Public Lands. Sections 2 and 18 of the new law requires that fees for each category of services performed must be based on "costs incurred". Studies to determine "costs incurred" are under way but cannot be completed in time to promulgate permanent rules by September 26, 1979. Unless emergency rules are adopted, there will be no provision for charging for services performed by the Commissioner of Public Lands.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 109, Laws of 1979 1st ex. sess. which directs that the Department of Natural Resources has authority to implement the provisions of chapter 109, Laws of 1979 1st ex. sess.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 4, 1979.

By Bert L. Cole  
Chairman, Board of Natural Resources

**NEW SECTION**

**WAC 322-10-150 PROMULGATION.** *Pursuant to Chapter 109, Laws of 1979, 1st ex. sess., the Board of Natural Resources promulgates the following regulations, WAC 322-10-150 through 322-10-190 establishing charges for services performed by the Commissioner of Public Lands. These regulations shall become effective on September 26, 1979.*

**NEW SECTION**

**WAC 332-10-160 DEFINITION.** 1. "Fee" shall mean a charge for services performed by the Commissioner of Public Lands through the Department of Natural Resources. 2. "Public Agency" shall be defined as set forth in RCW 39.34.020. 3. "Application Fee" shall mean the application to lease public land for any purpose except mineral, coal and oil and gas.

**NEW SECTION**

**WAC 332-10-170 Fees for performing the following service.** *A fee will be collected and transmitted to the State Treasurer as required by law:*

(a) *Five dollars (\$5.00) for the issuance of:*

- (1) *Original Contract of Sale*
- (2) *Original Bill of Sale*
- (3) *Original Lease*
- (4) *Original Deed*
- (5) *Original Harbor Area Lease and approval of bond*
- (6) *Original R/W Certificate*
- (7) *Lieu Contract of Sale*
- (8) *Lease (except mineral, coal and oil and gas)*

(b) *Five dollars (\$5.00) for the approval of:*

- (1) *Assignment of Contract of Sale*
- (2) *Assignment of Lease (any kind)*
- (3) *Assignment of Bill of Sale*

(c) *One dollar (\$1.00) for Certification of any Document*

(d) *Fifteen cents (15¢) per page for copies of record or documents.*

**NEW SECTION**

**WAC 332-10-180 APPLICATION FEE.** *The applicant to lease any public land shall pay a five dollar (\$5.00) application fee which will be forwarded to the State Treasurer as required by law. The application fee is not refundable and will not be used to pay a portion of the annual rental.*

**NEW SECTION**

**WAC 332-10-190 EXEMPTIONS.** *Public Agency will be exempt from paying for the service performed as set forth in WAC 332-10-170 and WAC 332-10-180.*

**WSR 79-10-104**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1441—Filed September 26, 1979]

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

I, Glen Miller, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is on June 29, 1979, in order to implement new laws enacted by the 1979 legislature and to assure the continuation of quality patient care the department adopted temporary regulations on an emergency basis to be effective coincident with the effective date of the new laws contained in chapter 270, Laws of 1979. Those new regulations did have the effect of raising the average payment to nursing homes per patient day from \$23.93 to \$27.87. Subsequently, and on or about August 20, 1979, it was learned that if those temporary regulations remained in effect for the entire biennium, there would be expected shortfall in available appropriated funds of 15 to 20 million dollars.

Immediately the department set to work on the development of a new plan which would (1) continue to insure quality patient care; (2) meet the requirements of new and existing laws; (3) meet the requirements of federal regulations; and (4) do all of these within the amounts appropriated by the legislature for nursing home care.

The department has not been totally successful in meeting the goals set forth above, in that while it is believed that the attached rules do assure the continuation of quality patient care; meet the requirements of new and existing laws; and meet the requirements of federal regulations, they only lessen the projected overexpenditure by approximately six million dollars. It is believed that such rules, without which the department would not

have existing rules meeting its duty to continue a reimbursement system providing quality patient care, or which met the requirements of new and existing laws, are thus necessary for the preservation of the public health, safety and general welfare.

Such rules are therefore adopted as emergency rules to take effect October 1, 1979.

All new prospective rates which may be authorized between September 27 and October 1 and all audits and settlements pertaining to care within that period will be governed by the rules adopted by Order #1414.

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

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

APPROVED AND ADOPTED September 26, 1979.

By Glen H. Miller  
 Assistant Secretary

**AMENDATORY SECTION** (Amending Order 1382, filed 3/28/79)

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

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

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

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

(c) *Summarize all audit disallowances; and*

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

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

(ii) *(In the patient care cost area, the contractor shall also refund the percentage of the amount paid (less any recovery under subsection (i) above) equal to the percentage by which average per patient day nursing service hours provided were less than the minimum number of hours issued by the department;*

~~((iii))~~ In the administration and operations and property cost areas, ~~((payments in excess of allowable costs will normally be retained by the contractor. Those overpayments shall be refunded only in the following circumstances:~~

~~(A) Costs totaling \$02 per patient day or \$1,000, whichever is higher, in any cost area, were reported which cannot be documented at audit, or accumulated liabilities of at least that amount were not properly reversed in accordance with WAC 388-96-032 or 388-96-113; or~~

~~(B) All conditions and standards were not met during the entire fiscal year, as determined by the department in Title XIX certification surveys. The portion of the total overpayment attributable to thirty days plus the number of days from the date of the first survey at which a standard or condition was found unmet until the date of the survey showing all conditions and standards met will be recovered. For IMR facilities with initial certification conditioned upon meeting a plan of correction relating solely to IMR program standards, overpayments will not be recovered if the IMR program standards are met within this initial plan of correction; and)) after January 1, 1979, the contractor shall refund all portions of payments received for recipients in excess of administration and operations and property costs, respectively, for those recipients;~~

~~((iv))~~ (iii) In the property cost area, the contractor shall refund amounts determined under WAC 388-96-571(4) or 388-96-573.

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

(4) If the contractor does not refund the overpayment or any installment when due, the department may withhold payments from current billings until the overpayment is refunded. Payments will only be withheld under this subsection up to the unrefunded amount of the overpayment.

AMENDATORY SECTION (Amending Order 1353, filed 10/20/78)

WAC 388-96-719 METHOD OF RATE DETERMINATION. (1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by each contractor. ~~((If no annual report is available, the most recent desk-reviewed semiannual report will be used. Data from reports covering a period of~~

~~less than six full months will not be used in determining rates, except for such reports which are submitted in accordance with WAC 388-96-101(2). Data from these reports will be combined with data from the report period immediately preceding the abbreviated period for purposes of determining rates.))~~

(2) Data containing obvious errors, data for facilities which are out of compliance with any standard or condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded from the determination of predicted costs and rate ranges under subsections (4) and (6) of this section.

(3) Each contractor's reported cost data except, after December 31, 1978, for depreciation, interest and lease costs, will be adjusted for economic trends based on component indices of the consumer price index issued by the United States department of labor, bureau of labor statistics. The national averages for the most recent twelve-month period will be applied in rate computations for the cost areas in subdivisions (a)(;) and (b) ~~((and (c)))~~ of subsection (3):

(a) Patient care—~~((health and recreation))~~ medical care—other professional services" index;

(b) Administration and operations—Average of the "all items less food" and "services less care services" indices;

(c) ~~((Property—"shelter" index, and~~

~~(d) Beginning July 1, 1978;))~~ For the food cost area, the Seattle consumer price index for food at home over the most recent twelve month period will be used.

(4) A predicted cost per patient day (excluding cost data and patient days relating to exceptional care recipients) in ~~((each of the four cost areas))~~ the property cost area will be determined for each facility through multiple regression analysis, ~~((which allows the assessment of the joint impact of a set of factors on cost. The formula for the linear multiple regression function is:~~

$$Y_c = A + B_1X_1 + B_2X_2 + \dots + B_kX_k$$

where:

$Y_c$  is the predicted cost per patient day for an individual facility;

A is the base cost for a hypothetical facility where the factors all are zero;

$B_1, B_2, \dots, B_k$  are the regression coefficients for the factors; and

$X_1, X_2, \dots, X_k$  are the independent variables or factors measuring the relevant characteristics of a facility.

A and  $B_1, B_2, \dots, B_k$  are determined statistically by the method of least squares. In order to be included in a regression formula, factors must show statistical predictability by being significant at the twenty percent level) that does not include leased facilities which will be developed by the department and will recognize factors which may be significant, including location, age, and type of facility.

~~((5))~~ (a) After all predicted costs per patient day have been computed, the difference between each facility's reported costs, adjusted to take into account economic trends, and the predicted cost will be computed. The standard deviation of the difference will also be calculated.

~~((6)) (b) To determine an individual contractor's prospective rate, its predicted cost for the (patient care, food, and administration and operations cost areas is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived in the regression analysis described above. Beginning July 1, 1978 to determine an individual contractor's prospective rate in the) property cost area((, its predicted cost)) is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived within the last twelve month period in the regression analysis described above. A rate ((range)) ceiling, defined as this predicted cost plus ((and minus)) one standard deviation of the difference calculated, in accordance with ((subsection (5))) subdivision (a) of this ((section)) subsection, for the ((food, administration and operations, and)) property cost area((s)) will then be determined. ((Beginning July 1, 1978 the rate range for the patient care cost area will be plus 1.75 standard deviations and minus one standard deviation from the predicted cost.)) If the contractor's reported costs ((adjusted for economic trends) are lower than the lower limit of the rate range, the lower limit will be the contractor's reimbursement rate. If these adjusted reported costs)) are higher than the upper limit of the rate range, the upper limit will be the contractor's reimbursement rate. If these adjusted reported costs fall within the standard rate range, the contractor's reimbursement rate will equal the adjusted reported costs.~~

~~((7)) (5) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.~~

#### AMENDATORY SECTION (Amending Order 1349, filed 10/9/78)

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

(2) ~~((The regression equation used in the patient care cost area will contain weights for the following four factors:~~

~~(a) Locality of the facility. This factor adjusts the base cost to provide for local market conditions. Facility location will be considered "urban" if it is in one of the four Standard Metropolitan Statistical Areas (SMSA). It will be considered "rural" if it is not in an SMSA. SMSA areas are those established in the 1970 census for the state of Washington.~~

~~(b) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on patient care costs. Facilities such as hospitals and other institutions which are certified providers but not~~

~~licensed as nursing homes will be distinguished from facilities whose primary mission is the delivery of nursing home care.~~

~~(c) Characteristics of patients in the facility, as determined by the department. This factor adjusts the base cost to provide for the effect patient mix has on patient care costs. Beginning July 1, 1978, this factor will be derived using a uniform patient assessment performed by the department. It will consist of the average functional status score of medical care recipients in the facility. Data will cover all recipients assessed in time to be included in the analysis. The most recent assessment data collected on each recipient will be used. The functional status score will be determined using the Katz ADL Scale.~~

~~(d) Number of floors of the facility. This factor adjusts the base cost to provide for the effect of physical plant differences on patient care costs. Data will be derived from inspection records in the state fire marshal's office.)) (a) Beginning October 1, 1979, predicted patient care staffing hours per patient day in the patient care cost area will be determined for each facility through multiple regression analysis. The dependent variable will be patient care staffing data from recent cost reports or certified quarterly reports provided by the contractor. The independent variable will be the average functional status score of medical recipients in the facility as determined by the Katz ADL Scale.~~

~~(b) After the predicted patient care staffing hours per patient day have been computed, the difference between each facility's reported patient care staffing hours and the predicted hours will be computed. The standard deviation of the difference will also be calculated.~~

~~(c) A patient care staffing hours ceiling, defined as the predicted cost plus one-quarter of one standard deviation of the difference calculated in accordance with subdivision (a) of this subsection will then be determined.~~

~~(d) Beginning July 1, 1979, standard hours will be established using staffing data from recent cost reports and certified quarterly reports. For a facility, standard hours will be the facility's reported hours. Beginning October 1, 1979, a maximum patient care staffing hour ceiling will be calculated in accordance with subdivision (c) of this subsection. Standard hours may be adjusted by the department in cases where characteristics of patients in a facility have changed and staffing levels are below levels predicted by the regression equation. The wages for patient care personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160. The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.~~

~~(e) For IMR facilities, standard hours may be modified by the survey section, office of nursing home affairs in consultation with the department's division of developmental disabilities.~~

~~(3) In addition to its reimbursement rate, each contractor will be assigned a range of nursing service hours~~

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

**AMENDATORY SECTION** (Amending Order 1264, filed 1/9/78)

**WAC 388-96-727 FOOD COST AREA RATE.**

(1) The food cost area rate will be computed to cover the necessary and ordinary costs of procuring food, dietary supplements and beverages for meals and between-meal nourishment for recipients.

(2) ~~((The regression equation used in the food cost area will contain weights for the following four factors:~~

~~(a) Location of the facility—King county.~~

~~(b) Location of the facility—Clark county.~~

~~(c) Location of the facility—Spokane county.~~

~~These factors adjust the base cost to provide for local market conditions in these three urban counties.~~

~~(d) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on food costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes will be distinguished from those facilities whose primary mission is the delivery of nursing home care:)) On July 1, 1979, food reimbursement shall be one hundred fifteen percent of the state-wide average or approximately the ninetieth percentile of all costs for bulk and raw foods and beverages purchased for dietary needs, expressed as a per patient day amount. Rate increases subsequent to July 1, 1979, will be based on increases in the Seattle consumer price index for food as specified in WAC 388-96-719(3)(c).~~

**AMENDATORY SECTION** (Amending Order 1264, filed 1/9/78)

**WAC 388-96-735 ADMINISTRATION AND OPERATIONS COST AREA RATE.** (1) The administration and operations cost area reimbursement rate will be computed to cover the necessary and ordinary

costs of overall management of the facility, operation and maintenance of the physical plant, and providing dietary service (other than the cost of food and beverages), medical supplies, taxes and insurance.

~~(2) ((The regression equation used in the administration and operations cost area will contain weights for the following six factors:~~

~~(a) Location of the facility—Clark county.~~

~~(b) Location of the facility—Spokane county.~~

~~These two factors adjust the base cost to provide for local market conditions in the two counties.~~

~~(c) Type of facility. This factor provides for the effect institutional requirements have on administration and operations costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes are distinguished from those facilities whose primary mission is the delivery of nursing home care.~~

~~(d) Type of certification of the facility. This factor adjusts the base cost to provide for the effect differences in certification requirements have on administration and operations costs. Facilities with ICF-only certification will be distinguished from those with SNF-only and SNF/ICF (dual) certification.~~

~~(e) Number of floors of the facility.~~

~~(f) Age of the facility. Factors (e) and (f) adjust the base cost to provide for the effect of physical plant differences on administration and operations cost. Data will be derived from inspection records in the state fire marshal's office:)) The administration and operations cost area reimbursement rate will be calculated as follows:~~

~~(a) Beginning July 1, 1979, hours for support staff other than administrators and assistant administrators will be taken from recent cost reports and certified quarterly reports provided by the contractor. Hours of support staff per patient day will be calculated. Standard hours for support staff will be determined as reported support staff hours per patient day. Beginning October 1, 1979, a limit of the eighty-fifth percentile of reported hours for all reporting facilities will be established.~~

~~(b) Wages for the above employees shall be the sum of the product of ninety percent of the prevailing wages expressed in an hourly rate, based on the state-wide salary survey as conducted pursuant to RCW 41.06.160. The standard hours will be combined with the wages determined above to calculate a rate.~~

~~(c) For IMR facilities, standard hours may be modified by the survey section, office of nursing home affairs in consultation with the department's division of developmental disabilities.~~

~~(d) Other allowable administration and operations costs will be taken from the most recent desk-reviewed annual cost report and updated using the inflation factors specified in WAC 388-96-719(4). Reimbursement for this portion of administration and operations will be limited to the eighty-fifth percentile of all reporting facilities, except that facilities may be grouped by factors other than owners or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.~~

AMENDATORY SECTION (Amending Order 1264, filed 1/9/78)

WAC 388-96-743 PROPERTY COST AREA RATE. ((1) The property cost area reimbursement rate will be computed to cover the necessary and ordinary costs of depreciation, interest, taxes, insurance, and rent of real and personal property.

(2) The regression equation used in the property cost area will contain weights for the following seven factors:

(a) Location of the facility—King county.

(b) Location of the facility—Clark county.

(c) Location of the facility—Spokane county.

These three factors adjust the base cost to provide for local market conditions in the three counties.

(d) Size of the facility. This factor adjusts the base cost to provide for the effect differences in size (defined as the number of licensed beds) have on property costs.

(e) Age of the facility.

(f) Facility's fire detection protection.

(g) Construction type. Facilities with types 1 and 2 construction will be distinguished from those with types 3, 4 and 5 construction. Factors (e), (f) and (g) adjust the base cost to provide for the effect of physical plant differences on property costs. Data will be derived from inspection records in the state fire marshal's office.))

Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age and construction type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper band of the multiple regression formula for comparable owner-operated facilities.

**WSR 79-10-105****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-98—Filed September 26, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is analysis of test fishing shows chinook are no longer present in this area in significant numbers.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 26, 1979.

By Gordon Sandison  
Director

NEW SECTION

WAC 220-28-010F0K CLOSED AREA Effective immediately until further notice, it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from that portion of the Green-Duwamish River upstream from the Sixteenth Avenue Bridge.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-010F0J CLOSED AREA (79-87)

**WSR 79-10-106****EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 79-99—Filed September 26, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an abundance of hatchery coho allows an additional opening in upper Willapa Bay.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 26, 1979.

By Gordon Sandison  
Director



**NEW SECTION**

**WAC 220-40-022001 WILLAPA HARBOR—GILL NET** (1) Notwithstanding the provisions of WAC 220-40-022 and WAC 220-40-024, it shall be lawful to take, fish for and possess salmon for commercial purposes with gill net gear in Willapa Harbor Fishing Areas 2G and 2H from 6:00 p.m. Wednesday, September 26, through 6:00 p.m. Friday, September 28, 1979.

(2) It shall be unlawful to take, fish for or possess salmon for commercial purposes in the above described areas during the above described times with gill net gear having a mesh size smaller than 5 inches or greater than 7 inches.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 220-40-02200H WILLAPA HARBOR — GILL NET (79-92)**

**WSR 79-10-107****ADOPTED RULES****DEPARTMENT OF GENERAL ADMINISTRATION****(Division of Banking)**

[Order 42—Filed September 26, 1979]

I, Michael D. Edwards, Supervisor of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Minimum reserve requirements for state banks and trust companies—Computation.

This action is taken pursuant to Notice No. WSR 79-08-145 filed with the code reviser on August 1, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 30.04.090 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 26, 1979.

By Michael D. Edwards  
Supervisor

**AMENDATORY SECTION** (Amending Order No. 38 filed 2/23/77)

**WAC 50-12-010 MINIMUM RESERVE REQUIREMENTS FOR STATE BANKS AND TRUST COMPANIES—COMPUTATIONS.** Every bank or trust company not a member of the Federal Reserve System shall maintain reserves on the following basis: (1) 7 ((+7))% of its demand deposits up to \$2,000,000, plus ((+0)) 9 1/2% of its demand deposits over \$2 million to \$10 million plus ((+2)) 11 3/4% of such deposits over \$10 million to \$100 million, plus ((+3)) 12 3/4% of

its demand deposits over \$100 million to \$400 million, plus fifteen percent for such deposits over \$400 million.

(2) (i) 3% of (a) its savings deposits and (b) its time deposits, open account, that constitute deposits of individuals, such as Christmas club accounts and vacation club accounts, that are made under written contracts providing that no withdrawal shall be made until a certain number of periodic deposits have been made during a period of not less than 3 months; and

(ii) 3% of its time deposits up to \$5 million, outstanding on November 28, 1974, which have an initial maturity of less than 180 days, or are issued on or after November 28, 1974, with an initial maturity of less than 180 days, plus 6% of such deposits in excess of \$5 million((\*)), and

(iii) 3% of its time deposits outstanding on November 28, 1974, which have an initial maturity of 180 days or more, or are issued on or after November 28, 1974, with an initial maturity of 180 days or more; and

(iv) 1% of its time deposits outstanding on or ((are)) issued after November 28, 1974, with an initial maturity of four years or more.

(3) In no case may the average of reserves on time and savings deposits be less than 3% for the computation period.

(4) Reserves shall be computed on the basis of semi-monthly periods commencing on the 10th day and 25th day of each month. Reserves for a Saturday, Sunday, or other holiday shall be computed on the basis of the deposits existing at the close of business on a preceding business day. When the reserve computation period ends with a nonbusiness day, or two or more consecutive nonbusiness days, such nonbusiness days, may, at the option of the bank, be included in the next reserve computation period.

(5) Time certificates of deposit held by the bank or trust company shall not be included for purposes of computing the amount of available funds.

~~((\*) Time deposits issued in the period November 14, 1974, through November 18, 1974, with maturities of between 120 and 179 days may be treated as if they had initial maturities of 180 days or more.))~~

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

**WSR 79-10-108****PROPOSED RULES****DEPARTMENT OF LICENSING****(Optometry Board)**

[Filed September 26, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Optometry Board intends to adopt, amend, or repeal rules concerning minimum practical examination requirements, continuing education requirements, post-graduate educational program, continuing education

credit for admission to optometric organizations and participation in patient care reviews, continuing education credit for reports, continuing education credit for preprogrammed educational materials, certification for continuing education courses, misleading titles or degrees, employed doctors of optometry, practice under another optometrist's name, practice under trade name. (A copy of the said proposed rules is shown below, however, the board reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.) Correspondence relating to this notice and the proposed rules should be addressed to:

Washington State Optometry Board  
Professional Licensing Division  
Department of Licensing  
P. O. Box 9649  
Olympia, WA 98504;

that such agency will at 9:00 a.m., Thursday, November 15, 1979, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, November 15, 1979, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.54.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 15, 1979, and/or orally at 9:00 a.m., Thursday, November 15, 1979, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: September 25, 1979

By: Kent M. Nakamura  
Assistant Attorney General

#### NEW SECTION

**WAC 308-53-080 MINIMUM PRACTICAL EXAMINATION REQUIREMENTS.** The practical examination portion of the optometry licensing examination shall cover at a minimum the following subjects: retinoscopy, ocular pathology, biomicroscopy, contact lenses, tonometry, and case study.

#### AMENDATORY SECTION (Order PL 239, filed 3/3/76)

**WAC 308-53-100 CONTINUING EDUCATION REQUIREMENT.** Each applicant for renewal of a license to practice optometry in the state of Washington must have completed thirty hours of continuing education within the two years previous to his first renewal date on or after January 1, 1979, and must complete thirty hours of continuing education within each successive two-year period. For example, an individual with a renewal date of January 3, 1979, must have completed thirty credit hours of continuing education within the period beginning January 3, 1977, and ending January 2, 1979. On his renewal date of January 3, 1980, he will be eligible for renewal regardless of the number of continuing education credit hours he has accumulated since January 3, 1979, provided that he meets all other requirements for renewal; but then to be eligible for license renewal on January 3, 1981, he must have completed an additional thirty credit hours of continuing education within the period beginning January 3, 1979, and ending January 2, 1981, and so on for as long as he continues to practice. Provided, however, that each applicant for renewal of a license to practice optometry in the state of Washington must have completed fifty hours of continuing education within the two years

previous to his first renewal date on or after January 1, 1985, and must complete fifty hours of continuing education within each successive two-year period. Applicants for renewal practicing only out of the state of Washington may petition the board for full recognition of the continuing education requirement through fulfillment of their state of practice's licensing and continuing education requirements. Failure to complete this requirement is cause for revocation of the license of any optometrist pursuant to RCW 18.53.100(14), or for refusal to renew the license of any optometrist, except that an optometrist applying for the first renewal of his license subsequent to his initial licensing will be exempt from this requirement.

#### NEW SECTION

**WAC 308-53-125 POST-GRADUATE EDUCATIONAL PROGRAM.** The board will be responsible, when financially permissible, to exercise control through the board, or its agent, of an annual post graduate educational program.

#### NEW SECTION

**WAC 308-53-135 CREDIT FOR ADMISSION TO OPTOMETRIC ORGANIZATIONS AND PARTICIPATION IN PATIENT CARE REVIEWS.** Continuing education credit may be granted for preparation and admission to optometric scientific groups (for example, the Academy of Optometry).

Continuing education credit may be granted for participation in formal reviews and evaluations of patient care such as Peer Review and case conference. Also, Professional Standard Review Organization, Health Systems Agency, Health Planning Board, State Health Coordinating Council and State Health Planning Department, and sub-area councils of HSA and HEW and other official representation (and not mere attendance as an observer) relating to health care agencies may be granted continuing education credit.

#### NEW SECTION

**WAC 308-53-145 CREDIT FOR REPORTS.** Continuing education credit may be given for reports on professional optometric literature. Such report shall list ten (10) basic statements from an article(s) or sequence of articles for each hour of credit. Such report shall be submitted typewritten to the Department of Licensing, Professional Licensing Division in Olympia. Professional literature approved for such reports are: American Journal of Optometry and Physiological Optics, American Optometric Association News, Contact Lens Forum, Contacto, Insight, International Contact Lens Clinic, Journal of American Optometric Association, Journal of Optometric Education, Journal of Optometric Vision Development, OEP Monthly, Optometric Management, Optometric Monthly, Optometric World, Review of Optometry, 20/20 Magazine. Other professional literature may be submitted in advance for the board's consideration and approval. Literature utilized shall not be issuance dated over two years on the date of submission of the report for credit. Reports shall list the title of the article(s), literature that the article(s) was taken from, the date of issuance/publication of the literature, page(s) utilized, and author(s). A copy of the article utilized shall be submitted whenever possible.

#### NEW SECTION

**WAC 308-53-146 CREDIT FOR PREPROGRAMMED EDUCATIONAL MATERIALS.** Continuing education credit may be granted for observation and participation in the use of formal preprogrammed optometric educational materials, including the use of cassettes, videodiscs, videotapes, teaching machines, etc.

#### NEW SECTION

**WAC 308-53-165 CERTIFICATION FOR CONTINUING EDUCATION COURSES.** All courses for which continuing education credit is requested shall be accompanied by proof of attendance at such courses and shall include: date(s), sponsor(s), location(s), subject(s) and hours attended with signed proof of attendance. If this is not possible, for good cause as determined by the board, then a statement signed by the claimant certifying his attendance at the course(s), the date(s), sponsor(s), location(s), subject(s), and hours attended shall be submitted to the Department of Licensing, Professional Licensing Division, in Olympia.

NEW SECTION

WAC 308-53-245 MISLEADING TITLES OR DEGREES. An optometrist shall not use misleading nor non-health related degrees or titles in connection with the professional practice of optometry. The use of an optometric designation such as "optometrist" or "doctor of optometry" shall not be used in connection with a business or activity that is not related to optometric care. Degrees, titles or professional identifications may not be used which have not been specifically granted to an optometrist by an approved school or college.

NEW SECTION

WAC 308-53-270 EMPLOYED DOCTORS OF OPTOMETRY. The salary, bonus or other remuneration of a doctor of optometry who is employed for professional optometric services, shall not be dependent upon the percentage or number of patients who obtain visual examinations or who have prescriptions filled. The employed optometrist, acting in the capacity of consultant, advisor or staff doctor of optometry, shall at all times remain cognizant of his professional responsibilities and with demeanor, decorum and determination retain his right of independent professional judgment and title in all situations and circumstances as he would in his own office. If at any time the right of independent professional judgment or title is abridged by the party or parties engaging the optometrist's services, it shall be incumbent upon the optometrist to resign his position as consultant, advisor or staff doctor of optometry.

NEW SECTION

WAC 308-53-275 PRACTICE UNDER ANOTHER OPTOMETRIST'S NAME. Pursuant to RCW 18.53.140, when the initial right to practice under the name of any lawfully licensed optometrist is transferred to another lawfully licensed optometrist or association of lawfully licensed optometrists, the right to practice under such first optometrist's name may not be subsequently transferred by the first transferee and used by a third party or parties.

NEW SECTION

WAC 308-53-280 PRACTICE UNDER TRADE NAME. The practice of optometry must be under the name(s) of the licensed doctor(s) of optometry and the practice of optometry under a trade name is prohibited except where an optometrist is associated with a nonprofit organization or is associated with allied health care practitioners such as medical, dental and osteopathic professionals.

**WSR 79-10-109**  
**PROPOSED RULES**  
**BOARD OF PHARMACY**  
 [Filed September 27, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning manufacturer requirements, amending WAC 360-49-010, 360-49-020, 360-49-030 and adding new section WAC 360-49-040;

that such agency will at 9:00 a.m., Friday, November 16, 1979, in the large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, November 16, 1979, in the large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA.

The authority under which these rules are proposed is RCW 18.64.005(11).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 16, 1979, and/or orally at

9:00 a.m., Friday, November 16, 1979, in the large meeting room of the Burien Public Library, 14700 Sixth Avenue, S.W., Burien, WA.

Dated: September 27, 1979  
 By: David C. Campbell, Jr.  
 Executive Secretary

AMENDATORY SECTION (Order 143, filed 12/9/77)

WAC 360-49-010 DISPENSING RESPONSIBILITIES. ((+))  
 When the pharmacist dispenses, with the practitioner's authorization, a therapeutically equivalent generic drug product, the following information shall be noted:

(a) On oral prescriptions, the pharmacist shall indicate substitution permitted, if so ordered, on the file copy of the prescription.

(b) The manufacturer or distributor of the drug product actually dispensed or its national drug code number shall be noted on the file copy of the written or oral prescription, and on the patient medication record if this document is utilized for providing and recording refills.

(c) Except for institutionalized patients, the ((The)) generic or the trade name of a single drug shall be noted on the prescription label. For combination drug products, the generic names of the drugs combined or ((ts)) the trade name of the manufacturer or distributor shall be noted on the prescription label. For prescriptions compounded with multiple ingredients, the label designation will be left to the discretion of the pharmacist.

(d) For institutionalized and closed system patients, the pharmacist may identify the manufacturer or distributor of the product actually dispensed through pharmacy purchasing records.

((2) Prescription and dispensing requirements shall not apply to drug orders for institutionalized patients:))

AMENDATORY SECTION (Order 143, filed 12/9/77)

WAC 360-49-020 PRODUCT SELECTION RESPONSIBILITIES. (1) The determination of the actual drug product to be dispensed on a prescription is a professional responsibility of the pharmacist ((Individual pharmacists, in pharmacies utilizing the formulary system, which has the approval of the organized medical staff and the concurrence of the prescribers, may not have a choice in the evaluation, selection and use of drug products)), and the pharmacist shall not dispense any product that in his/her professional opinion does not meet adequate standards.

(2) Pharmacists ((shall)) may utilize ((available drug product information from federal and state agencies, official compendia, professionally responsible sources and drug manufacturers. Those products with a bioequivalence requirement by the federal food and drug administration (21 CFR 320.22c) must be especially noted. A copy of the updated listing of such products shall be provided to all pharmacies by the board of pharmacy and shall be available, upon written request, to individual pharmacists:)) as the basis for their decisions on therapeutically equivalent drug products:

(a) available drug product information from federal and state agencies, official compendia, and drug manufacturers, or

(b) other scientific or professional resources, or  
(c) the federal food and drug administration "Approved Drug Products" as a board approved reference for a positive formulary of therapeutically equivalent products within the limitations stipulated in that publication.

(3) Those pharmacies that fill prescriptions based on prior authorization for therapeutically equivalent drug substitution must have available for inspection and review such authorization documentation in the institutional records or in the pharmacy.

AMENDATORY SECTION (Order 143, filed 12/9/77)

WAC 360-49-030 MANUFACTURER REQUIREMENTS. Manufacturers shall comply with federal and state good manufacturing practice requirements as specified in the ((act, including:)) laws, rules and regulations.

((1) Products to be marked with an identification code or monogram shall be limited to solid dosage forms, such as tablets, capsules and suppositories.

(2) Resources for manufacturers product information may include personnel qualified by education and/or training to provide such information. Telephone numbers of such personnel must be made available to all pharmacies purchasing their products:))

**NEW SECTION**

**WAC 360-49-040 DISTRIBUTORS, WHOLESALER REQUIREMENTS.** Manufacturers, distributors and/or wholesalers who offer drugs for sale or distribution to pharmacies must be able to supply verification that the federal food and drug administration has approved an NDA or ANDA for the drug product or verification that the product is exempt from such designation by the federal food and drug administration.

**WSR 79-10-110  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 79-100—Filed September 27, 1979]**

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order affords a larger harvest area for Tulalip Bay hatchery coho while providing adequate protection for Stillaguamish - Snohomish natural coho.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 27, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-28-008A0J CLOSED AREA** Effective immediately through October 13, 1979 it shall be unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes in that portion of Puget Sound Salmon Management and Catch Reporting Area 8A outside and westerly of a line projected from Mission Point to red nun buoy No. 2 and thence to Hermosa Point.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 220-28-008A0I CLOSED AREA (79-76)**

**WSR 79-10-111**

**ADOPTED RULES**

**WALLA WALLA COMMUNITY COLLEGE**

[Resolution 80-4—Filed September 27, 1979]

Be it resolved by the board of trustees, of the Community College District No. 20 (Walla Walla Community College), acting at Walla Walla Community College, Walla Walla, Washington, that it does promulgate and adopt the annexed rules relating to the repeal of chapter 132T-38 WAC, reduction in force for classified personnel, and the enactment of chapter 132T-128 WAC having to do with the reduction in force for classified personnel.

This action is taken pursuant to Notice No. WSR 79-08-125 filed with the code reviser on 8/1/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapters 28B.50 and 28B.10 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 20, 1979.

By Eldon J. Dietrich  
Secretary

**CHAPTER 132T-128  
REDUCTION IN FORCE FOR CLASSIFIED  
PERSONNEL**

**WAC**

- 132T-128-010 Purpose of Rules.
- 132T-128-020 Definitions.
- 132T-128-030 Initial Procedures for Reduction in Force.
- 132T-128-040 Initial Order of Layoff.
- 132T-128-050 Options in Lieu of Layoff.
- 132T-128-060 Procedures For Establishing Order of Layoff and Notice of Requirements.
- 132T-128-070 Distribution of Layoff Notice.
- 132T-128-080 Re-employment Rights of Laid Off Employees.
- 132T-128-090 Special Employment Programs.

**NEW SECTION**

**WAC 132T-128-010 PURPOSE OF RULES.** Pursuant to the direction of the Higher Education Personnel Board of the State of Washington, the Board of Trustees for Washington State Community College District No. 20 hereby establishes the procedures for reduction in force for the layoff of classified employees when such reductions or layoffs are required by lack of funds, curtailment of work, or good faith reorganization for efficiency reasons, or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524.

NEW SECTION

WAC 132T-128-020 DEFINITIONS. As used in this chapter, WAC 132T-128, the following words and phrases are defined;

(1) "Appointing authority" shall mean the president of Walla Walla Community College.

(2) All other terms and phrases which describe any legal status a classified employee may have under the layoff procedures herein adopted shall have the meaning defined in WAC 251-04-020 and WAC chapter 251-10 as promulgated by the Washington State Higher Education Personnel Board.

(3) Words and phrases used herein in the masculine gender shall include the masculine and feminine genders.

NEW SECTION

WAC 132T-128-030 INITIAL PROCEDURES FOR REDUCTION IN FORCE. (1) When a reduction in force is required due to lack of funds, curtailment of programs, or good faith reorganization for efficiency reasons, or when an incumbent must be separated due to the salary or longevity mandates of Public Law 95-524, the appointing authority shall determine the number of positions, by classification, which shall be abolished.

(2) The order of layoff and optional retention rights of classified employees shall be determined on an institution-wide basis. The entire classified staff of Walla Walla Community College is divided into two layoff units — regular workforce unit and special programs unit.

NEW SECTION

WAC 132T-128-040 INITIAL ORDER OF LAYOFF. The initial order of layoff shall be according to the appointment status of employees in the classifications of positions to be eliminated.

(1) Probationary, temporary and hourly employees shall be laid off before permanent status employees in the same classification.

(2) Emergency, temporary or intermittent employees shall be laid off before probationary and provisional status employees in the same classification. The order of layoff for probationary or provisional employees shall be inverse to their length of layoff seniority. The employee having the least amount of such layoff seniority shall be separated first and the employee having the greatest amount of layoff seniority shall be separated last.

(3) Permanent status employees shall be laid off in inverse order of their layoff seniority. The employee having the least amount of such layoff seniority shall be separated first and the employee having the greatest amount of layoff seniority shall be separated last. Layoff seniority shall include the last period of unbroken service in the classified service of the college. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year.

(4) The retention rights of veterans shall be determined in accordance with WAC 251-10-045.

NEW SECTION

WAC 132T-128-050 OPTIONS IN LIEU OF LAYOFF. (1) Options shall be offered in lieu of layoff to employees in accordance with the provisions of WAC 251-10-030.

(2) Permanent status employees, according to seniority, shall be offered employment options in classifications in which the employee has held permanent status, or lower classifications in the same class series for which the employee is qualified; provided that the employee being replaced is the least senior in that classification and has less layoff seniority than the employee replacing him.

(3) Except as provided in WAC 251-10-035, a permanent employee scheduled for layoff who has no options available under (2) above shall be offered positions as follows: The personnel officer will offer in writing not less than three positions from among the highest available classes (unless the total available is less than three), provided that any positions offered must be at the same level or lower than the class from which the employee is being laid off; are vacant or held by a provisional, temporary, or probationary employee; and in a class for which the employee being laid off meets the minimum qualifications and can pass the appropriate qualifying examination, as provided in WAC 251-10-030 (6).

(4) Eligible veterans and their unmarried widows or widowers as defined in WAC 251-10-045 shall be provided veterans preference.

NEW SECTION

WAC 132T-128-060 PROCEDURES FOR ESTABLISHING ORDER OF LAYOFF AND NOTICE OF REQUIREMENTS. (1) The appointing authority shall inform the personnel officer of the number of positions to be abolished, in writing.

(2) When it is determined that layoffs will occur within a unit, the personnel officer will:

(a) Determine the employees to be laid off, determine their option rights, and notify the appointing authority in writing;

(b) Provide each employee subject to layoff with a copy of the institutional reduction in force procedure and advise him/her in writing of available options in lieu of layoff; promptly discuss options with the employees concerned, who in turn, shall inform him in writing as quickly as possible but within three (3) working days, whether they wish to exercise their option rights; promptly notify the appointing authority as to whether or not the employees have elected to use their option rights, and shall send a written notice of the reduction in force action to each employee to be laid off. This written notice shall be served on the person who is to be laid off at least 15 calendar days prior to the effective date of the layoff.

(c) Advise each employee in writing of the specific institution-wide layoff list(s) upon which he/she may be placed as required per WAC 251-10-055;

(d) Provide information relative to statewide layoff lists as required per WAC 251-10-060 (7);

(e) Advise each employee of the right to appeal his/her layoff to the board per WAC 251-12-080.

#### NEW SECTION

WAC 132T-128-070 **DISTRIBUTION OF LAY-OFF NOTICE.** Copies of all layoff notices shall be distributed as follows:

- The original to the employee,
- One copy to the supervisor's department files,
- One copy to the personnel office,
- One copy to the employee's bargaining agent.

#### NEW SECTION

WAC 132T-128-080 **RE-EMPLOYMENT RIGHTS OF LAID OFF EMPLOYEES.** (1) Reduction in force lists are established by classification and maintained by the personnel officer. The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class of service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

- (a) The employee has requested placement on the list;
- (b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and
- (c) The class has the same or lower salary range maximum as the class from which laid off.

In addition, such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three-day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide, with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be re-employed in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that unless the employee so requests, he/she may not be removed via this procedure from the layoff list or the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

Except as provided in (5) above, the duration of eligibility on the institution-wide layoff list is two (2) years. Prior to the expiration date of the eligible, he shall be notified of the expiration date and given the opportunity to extend his eligibility for one (1) additional year by written request to the personnel officer.

#### NEW SECTION

WAC 132T-128-090 **SPECIAL EMPLOYMENT PROGRAMS.** (1) A special employment program layoff unit for programs qualifying under the conditions identified in WAC 251-18-410, Rules of the Higher Education Personnel Board, is established.

(2) Employment options of individuals being laid off from positions in special employment programs are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies.

(3) Within the special employment program layoff unit, a permanent status employee schedule for layoff from service or from the class, except as provided in (4) of this section, shall be offered employment options in class(es) with the same or lower salary range maximum that are:

(a) Class(es) in which the employee has held permanent status;

(b) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(4) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options.

(5) The provisions of WAC 251-10-030(7) and (8) of the Higher Education Personnel Board relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

(6) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

#### **WSR 79-10-112**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF**

#### **LABOR AND INDUSTRIES**

[Order 79-16—Filed September 28, 1979]

I, James T. Hughes, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to risk classification definitions, experience rating plan rules and parameters, and premium rates under the Industrial Insurance Laws of the state of Washington.

I, James T. Hughes, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is there exists a discrepancy between premium rates presently in effect for football teams affiliated with the National Football League, and

rates suggested by initial experience of these teams under the workers' compensation program. This is attributable in part to administrative practices of these teams in respect to payment of wages for injured players. As exposure for these teams in the 1979-80 season is to commence almost immediately, observance of the requirements of notice and opportunity to present views on the proposed action would preclude effective adjustment of premium rates for much of the current year's employment by these teams.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 51.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 28, 1979.  
By James Hughes  
Director

AMENDATORY SECTION (Amending Order 74-40, filed 11/27/74)

WAC 296-17-738 CLASS 67-7.

Football teams, N.O.C.

Hockey teams.

Roller derbies.

Contract sports, N.O.C.

*This class applies to professional contract sports and includes umpires, referees, playing coaches and managers.*

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

NEW SECTION

WAC 296-17-755 CLASS 71-2 Football teams. *This class applies to football teams which are participants in the National Football League and includes playing, coaches and managers.*

AMENDATORY SECTION (Amending Order 76-18, filed 5/28/76)

WAC 296-17-850 EXPERIENCE RATING PLAN — ELIGIBILITY AND EXPERIENCE PERIOD. (1) Eligibility. Each employer who has reported experience during more than one fiscal year of the "experience period" shall have his base rates multiplied by an "experience modification" calculated in accordance with the rules of this Manual. The development of the "experience modification" as set forth in WAC 296-17-855 shall include losses and exposure reported in all risk classes: PROVIDED, That the "experience modification" determined in accordance with WAC 296-17-855 shall not apply to Industrial Insurance rates in the

following classes: 5-5 (WAC 296-17-520), 48-7 (WAC 296-17-648), 67-7 (WAC 296-17-738), 67-8 (WAC 296-17-739) and 68-9 (WAC 296-17-745)(.) and 71-2 (WAC 296-17-755). Employer premiums in the foregoing classes shall be computed at base Industrial Insurance rates as set forth in WAC 296-17-895.

(2) Experience Period. The "experience period" shall be the oldest three of the four fiscal years preceding the effective date of premium rates as set forth in WAC 296-17-895.

NEW SECTION

WAC 296-17-88501 TABLE IIIa  
Expected Loss Rates and D-Ratios  
Expected Loss Rates in Dollars Per Man-Day  
For Indicated Fiscal Year

Class	1975	1976	1977	D-Ratio
71-1	3.32	3.41	3.22	.457

NEW SECTION

WAC 296-17-89501 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY.

Class	Rates Effective July 1, 1979	
	Accident Fund Base Rate (per man-day)	Medical Aid Fund Rate (per man-day)
71-2	7.22	8.29

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78)

WAC 296-17-920 ASSESSMENT FOR SUPPLEMENTAL PENSION FUND. The amount of one cent shall be retained by each employer from the earnings of each of his workmen for each hour or fraction thereof the workman is employed. PROVIDED, That in classifications 67-7 and 71-2 the employer shall retain eight cents per man-day from each of his workmen. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such monies shall be remitted to the Department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the Department as provided under WAC 296-15-060. All such monies shall be deposited in the supplemental pension fund.

WSR 79-10-113  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Radiation Control Agency)  
[Filed September 28, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social



and Health Services intends to adopt, amend, or repeal rules concerning:

Amd	ch. 402-19 WAC	Requirements of general applicability to licensing of radioactive material.
New	ch. 402-21 WAC	General licenses.
New	ch. 402-22 WAC	Specific licenses.
Amd	ch. 402-52 WAC	Uranium and/or Thorium mill operation and stabilization of mill tailing piles.
New	ch. 402-70 WAC	Schedule of fees.
Rep	ch. 402-20 WAC	Licensing of radiation sources.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond  
Executive Assistant  
Department of Social and Health Services  
Mail Stop OB-44 C  
Olympia, WA 98504;

that such agency will at 10:00 a.m., Wednesday, November 7, 1979, in the Auditorium, OB #2, 12th and Jefferson, Olympia, WA; and 4:00 p.m., Thursday, November 8, 1979, Auditorium, Public Health Center Building, West 1101 College, Spokane, WA conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 28, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia, WA.

The authority under which these rules are proposed is RCW 70.98.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 8, 1979, and/or orally at 10:00 a.m., Wednesday, November 7, 1979, Auditorium, OB #2, 12th and Jefferson, Olympia, WA; and 4:00 p.m., Thursday, November 8, 1979, Auditorium, Public Health Center Building, West 1101 College, Spokane, WA.

Dated: September 27, 1979  
By: N. S. Hammond  
Executive Assistant

Chapter 402-19 WAC  
REQUIREMENTS OF GENERAL APPLICABILITY TO LICENSING OF ((RADIATION SOURCES)) RADIOACTIVE MATERIAL

NEW SECTION

WAC 402-19-010 PURPOSE AND SCOPE. (1) This chapter prescribes rules governing licensing of radioactive material. No person shall receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to chapters 402-21 or 402-22 WAC or as otherwise provided in this chapter.

(2) In addition to the requirements of this chapter, or chapters 402-21 or 402-22 WAC, all licensees are subject to the requirements of chapters 402-12, 402-24, and 402-48 WAC. Licensees engaged in industrial radiographic operations are subject to the requirements of chapter 402-36 WAC, licensees using sealed sources in the healing arts are subject to the requirements of chapter 402-32 WAC, and licensees owning or operating uranium or thorium mills and associated mill tailings are subject to the requirements of chapter 402-52 WAC.

NEW SECTION

WAC 402-19-190 EXEMPTIONS. (1) Source material.

(a) Any person is exempt from this chapter and chapters 402-21 and 402-22 WAC to the extent that such person receives, possesses,

uses, owns, or transfers source material in any chemical mixture, compound, solution or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.

(b) Any person is exempt from this chapter and chapters 402-21 and 402-22 WAC to the extent that such person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material: PROVIDED, That, except as authorized in a specific license, such person shall not refine or process such ore.

(c) Any person is exempt from this chapter and chapters 402-21 and 402-22 WAC to the extent that such person receives, possesses, uses or transfers:

(i) Any quantities of thorium contained in:

- (A) Incandescent gas mantles;
- (B) Vacuum tubes;
- (C) Welding rods;
- (D) Electric lamps for illuminating purposes provided that each lamp does not contain more than fifty milligrams of thorium;
- (E) Germicidal lamps, sunlamps and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium; or
- (F) Rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these;

(ii) Source material contained in the following products:

- (A) Glazed ceramic tableware: PROVIDED, That the glaze contains not more than twenty percent by weight source material;
- (B) Glassware, glass enamel and glass enamel frit containing not more than ten percent by weight source material, but not including commercially manufactured glass brick, pane glass, ceramic tile or other glass, glass enamel or ceramic used in construction; or
- (C) Piezoelectric ceramic containing not more than two percent by weight source material;

(iii) Photographic film, negatives and prints containing uranium or thorium;

(iv) Any finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys: PROVIDED, That the thorium content of the alloy does not exceed four percent by weight and that the exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such product or part;

(v) Uranium contained in counterweights installed in aircraft, rockets, projectiles and missiles, or stored or handled in connection with installation or removal of such counterweights, provided that:

- (A) The counterweights are manufactured in accordance with a specific license issued by the department, the United States Nuclear Regulatory Commission, or any Agreement State authorizing distribution by the licensee pursuant to this subparagraph or equivalent regulations of the United States Nuclear Regulatory Commission or any Agreement State;
- (B) Each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM\*\*";
- (C) Each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED\*\*"; and
- (D) The exemption contained in this subparagraph shall not be deemed to authorize the chemical, physical or metallurgical treatment or processing of any such counterweight other than repair or restoration of any plating or other covering;

\*NOTE: The requirements specified in WAC 402-19-190(1)(c)(v)(B) and (C) need not be met by counterweights manufactured prior to December 31, 1960: PROVIDED, That such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM", as previously required by the regulations.

(vi) Uranium used as shielding constituting part of any shipping container which is conspicuously and legibly impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and which meets the specification for containers for radioactive material

prescribed in Section 173.394 or 173.395 of 49 CFR Part 173, of the regulations published by the United States Department of Transportation;

(vii) Thorium contained in finished optical lenses: PROVIDED, That each lens does not contain more than thirty percent by weight of thorium, and that the exemption contained in this subparagraph shall not be deemed to authorize either:

- (A) The shaping, grinding or polishing of such lens or manufacturing processes other than the assembly of such lens into optical systems and devices without alteration of the lens; or
- (B) The receipt, possession, use or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments;

(viii) Uranium contained in detector heads for use in fire detection units: PROVIDED, That each detector head contains not more than 0.005 microcuries of uranium; or

(ix) Thorium contained in any finished aircraft engine part containing nickel-thoria alloy, provided that:

- (A) The thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide); and
- (B) The thorium content in the nickel-thoria alloy does not exceed four percent by weight.

(d) The exemptions in WAC 402-19-190(1)(c) do not authorize the manufacture of any of the products described.

(2) Radioactive material other than source material.

(a) Exempt concentrations.

(i) Except as provided in WAC 402-19-190(2)(a)(ii) any person is exempt from this chapter and chapters 402-21 and 402-22 WAC to the extent that such person receives, possesses, uses, transfers, owns or acquires products or materials containing radioactive material in concentrations not in excess of those listed in WAC 402-19-580, Schedule C.

(ii) No person may introduce radioactive material into a product or material, knowing or having reason to believe, that it will be transferred to persons exempt under WAC 402-19-190(2)(a)(i) or equivalent regulations of the United States Nuclear Regulatory Commission or any Agreement State, except in accordance with a specific license issued pursuant to WAC 402-22-110(1) or the general license provided in WAC 402-19-250.

(b) Exempt quantities.

(i) Except as provided in WAC 402-19-190(2)(b)(ii) and (iii) any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in individual quantities each of which does not exceed the applicable quantity set forth in WAC 402-19-550, Schedule B.

(ii) This paragraph, WAC 402-19-190(2)(b), does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(iii) No person may, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in WAC 402-19-550, Schedule B, knowing or having reason to believe that such quantities of radioactive material will be transferred to persons exempt under WAC 402-19-190(2)(b) or equivalent regulations of the United States Nuclear Regulatory Commission or any Agreement State, except in accordance with a specific license issued by the United States Nuclear Regulatory Commission, pursuant to Section 32.18 of 10 CFR Part 32 or by the department pursuant to WAC 402-22-110(2) which license states that the radioactive material may be transferred by the licensee to persons exempt under WAC 402-19-190(2)(b) or the equivalent regulations of the United States Nuclear Regulatory Commission or any Agreement State.

(c) Exempt items.

(i) Certain items containing radioactive material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, any person is exempt from these regulations to the extent that person receives, possesses, uses, transfers, owns or acquires the following products:\*

\*NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

- (A) Timepieces or hands or dials containing not more than the following specified quantities of byproduct material and not exceeding the following specified levels of radiation:
    - 25 millicuries of tritium per timepiece;
    - 5 millicuries of tritium per hand;
    - 15 millicuries of tritium per dial (bezels when used shall be considered as part of the dial);
    - 100 microcuries of promethium - 147 per watch or 200 microcuries of promethium - 147 per any other timepiece;
    - 20 microcuries of promethium - 147 per watch hand or 40 microcuries of promethium - 147 per other timepiece hand;
    - 60 microcuries of promethium - 147 per watch dial or 120 microcuries of promethium - 147 per other timepiece dial (bezels when used shall be considered as part of the dial);
    - The levels of radiation from hands and dials containing promethium - 147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:
      - For wrist watches, 0.1 millirad per hour at 1 centimeter from any surface;
      - For pocket watches, 0.1 millirad per hour at 1 centimeter from any surface;
      - For any other timepiece, 0.2 millirad per hour at 10 centimeters from any surface.
    - One microcurie of radium-226 per timepiece in timepieces manufactured prior to the effective date of these regulations.
  - (B) Lock illuminators containing not more than 15 millicuries of tritium or not more than 2 millicuries of promethium - 147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium - 147 will not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.
  - (C) Balances of precision containing not more than 1 millicurie of tritium per balance or not more than 0.5 millicurie of tritium per balance part.
  - (D) Automobile shift quadrants containing not more than 25 millicuries of tritium.
  - (E) Marine compasses containing not more than 750 millicuries of tritium gas and other marine navigational instruments containing not more than 250 millicuries of tritium gas.
  - (F) Thermostat dials and pointers containing not more than 25 millicuries of tritium per thermostat.
  - (G) Electron tubes: PROVIDED, That each tube does not contain more than one of the following specified quantities of radioactive material:
    - (aa) 150 millicuries of tritium per microwave receiver protector tube or 10 millicuries of tritium per any other electron tube;
    - (bb) 1 microcurie of cobalt-60;
    - (cc) 5 microcuries of nickel-63;
    - (dd) 30 microcuries of krypton-85;
    - (ee) 5 microcuries of cesium-137;
    - (ff) 30 microcuries of promethium-147;
    - (gg) 1 microcurie of radium-226;
    - (hh) 1 microcurie of any radioactive material other than source material:
 

AND PROVIDED FURTHER, That the levels of radiation from each electron tube containing radioactive material does not exceed 1 millirad per hour at 1 centimeter from any surface when measured through 7 milligrams per square centimeter of absorber.\*
- \*NOTE: For purposes of this subdivision, "electron tubes" include spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and any other completely sealed tube that is designed to conduct or control electrical currents.
- (H) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of radioactive material not exceeding the applicable quantity set forth in WAC 402-19-550, Schedule B.

- (i) Spark gap irradiators containing not more than 1 microcurie of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least three gallons (11.4 liters) per hour.
- (ii) Self-luminous products containing radioactive material(s).
- (A) Tritium, krypton-85 or promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.22 of 10 CFR Part 32, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in WAC 402-19-190(2)(c)(ii) does not apply to tritium, krypton-85 or promethium-147 used in products for frivolous purposes or in toys or adornments.
- (B) Radium-226. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers or owns articles containing less than 0.1 microcurie of radium-226 which were manufactured prior to the effective date of these regulations.
- (iii) Gas and aerosol detectors containing radioactive material.
- (A) Except for persons who manufacture, process or produce gas and aerosol detectors containing radioactive material, any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards: PROVIDED, That detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the United States Nuclear Regulatory Commission\* or an Agreement State, pursuant to Section 32.26 of 10 CFR Part 32, or equivalent, which authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.
- \*NOTE: Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.
- (B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State shall be considered exempt under WAC 402-19-190(2)(c)(iii)(A): PROVIDED, That the device is labeled in accordance with the specific license authorizing distribution of the general licensed device: AND PROVIDED FURTHER, That they meet the requirements of WAC 402-22-110(3).
- (C) Gas and aerosol detectors containing naturally occurring and accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a Licensing State shall be considered exempt under WAC 402-19-190(2)(c)(iii)(A): PROVIDED, That the device is labeled in accordance with the specific license authorizing distribution of the generally licensed device, and provided further that they meet the requirements of WAC 402-22-110(3).
- (iv) Resins containing scandium-46 and designed for sand consolidation in oil wells. Any person is exempt from these regulations to the extent that such person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. Such resins shall have been manufactured or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission or shall have been manufactured in accordance with the specifications contained in a specific license issued by the department or any Agreement State to

the manufacturer of such resins pursuant to licensing requirements equivalent to those in Sections 32.16 and 32.17 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission. This exemption does not authorize the manufacture of any resins containing scandium-46.

#### NEW SECTION

**WAC 402-19-220 TYPES OF LICENSES.** Licenses for radioactive materials are of two types: General and specific.

(1) General licenses provided in chapter 402-21 WAC are effective without the filing of applications with the department or the issuance of licensing documents to the particular persons, although the filing of a certificate with the department may be required by the particular general license. The general licensee is subject to all other applicable portions of these regulations and any limitations of the general license.

(2) Specific licenses require the submission of an application to the department and the issuance of a licensing document by the department. The licensee is subject to all applicable portions of these regulations as well as any limitations specified in the licensing document. (See chapter 402-22 WAC).

#### NEW SECTION

**WAC 402-19-240 PRELICENSING INSPECTION.** The department may verify information contained in applications and secure additional information deemed necessary to make a reasonable determination as to whether to issue a license and whether any special conditions should be attached thereto by visiting the facility or location where radioactive materials would be possessed or used, and by discussing details of the proposed possession or use of the radioactive materials with the applicant or representatives designated by the applicant. Such visits may be made by the department or its duly authorized representatives.

#### NEW SECTION

**WAC 402-19-250 RECIPROCAL RECOGNITION OF LICENSES.** (1) Subject to these regulations, any person who holds a specific license from the United States Nuclear Regulatory Commission or any Agreement State, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for a period not in excess of one hundred eighty days in any calendar year provided that:

(a) The licensing document does not limit the activity authorized by such document to specified installations or locations;

(b) The out-of-state licensee notifies the department in writing at least three days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the department, obtain permission to proceed sooner. The department may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in this subsection;

(c) The out-of-state licensee complies with all applicable regulations of the department and with all the terms and conditions of the licensing document, except any such terms and conditions which may be inconsistent with applicable regulations of the department;

(d) The out-of-state licensee supplies such other information as the department may request; and

(e) The out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in this subsection except by transfer to a person:

(i) Specifically licensed by the department or by the United States Nuclear Regulatory Commission or an Agreement State to receive such material; or

(ii) Exempt from the requirements for a license for such material under WAC 402-19-190(2)(a).

(2) Notwithstanding the provisions of subsection (1) of this section, any person who holds a specific license issued by the United States Nuclear Regulatory Commission or an Agreement State authorizing

the holder to manufacture, transfer, install, or service a device described in WAC 402-21-050(4) within the areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate or service a device in this state provided that:

(a) Such person shall file a report with the department within thirty days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

(b) The device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to such person by the United States Nuclear Regulatory Commission or an Agreement State;

(c) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and

(d) The holder of the specific license shall furnish to each general licensee to whom such device is transferred or on whose premises such device is installed a copy of the general license contained in WAC 402-21-050(4).

(3) The department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining undue hazard to public health and safety or property.

#### NEW SECTION

WAC 402-19-300 TERMS AND CONDITIONS OF LICENSES. (1) Each license issued pursuant to this part shall be subject to all the provisions of the act, as now or hereafter in effect, and to all rules, regulations, and orders of the department.

(2) No license issued or granted under chapters 402-21 and 402-22 WAC and no right to possess or utilize radioactive material granted by any license issued pursuant to chapters 402-21 and 402-22 WAC shall be transferred, assigned, or in manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the department shall, after securing full information find that the transfer is in accordance with the provisions of the act, and shall give its consent in writing.

(3) Each person licensed by the department pursuant to chapters 402-21 and 402-22 WAC shall confine his use and possession of the material licensed to the locations and purposes authorized in the license.

(4) Each licensee shall notify the department in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license. This notification requirement applies only to all specific licenses issued under chapter 402-22 WAC.

#### NEW SECTION

WAC 402-19-350 MODIFICATION, REVOCATION AND TERMINATION OF LICENSES. (1) The terms and conditions of all licenses shall be subject to amendment, revision, or modification, or the license may be suspended or revoked by reason of amendments to the act, or by reason of rules, regulations, and orders issued by the department.

(2) Any license may be revoked, suspended, or modified, in whole or in part, for any material false statement in the application or any statement of fact required under provisions of the act, or because of conditions revealed by such application or statement of fact or any report, record, or inspection or other means which would warrant the department to refuse to grant a license on an original application, or for violation of, or failure to observe any of the terms and conditions of the act, or of the license, or of any rule, regulation, or order of the department.

(3) Except in cases of wilfulness or those in which the public health, interest, or safety requires otherwise, no license shall be modified, suspended, or revoked unless, prior to the institution of proceedings therefore, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded an opportunity to demonstrate or achieve compliance with all lawful requirements.

(4) The department may terminate a specific license upon request submitted by the licensee to the department in writing.

#### NEW SECTION

WAC 402-19-370 FEES. No fees are required from applicants, licensees, or registrants except as provided in chapter 402-70 WAC for owners or operators of uranium or thorium mills and their associated mill tailings as authorized pursuant to section 3, chapter 110, Laws of 1979 1st ex. sess.

#### NEW SECTION

WAC 402-19-400 TRANSFER OF MATERIAL. (1) No licensee shall transfer radioactive material except as authorized pursuant to this section.

(2) Except as otherwise provided in the license and subject to the provisions of this section, any licensee may transfer radioactive material:

(a) To the department\*;

(b) To the United States Department of Energy, the United States Nuclear Regulatory Commission, the United States Environmental Protection Agency, or any other authorized agency of the federal government;

(c) To any person exempt from the regulations in this part to the extent permitted under such exemption;

(d) To any person authorized to receive such material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the department, the United States Nuclear Regulatory Commission, any Agreement State or any Licensing State, or to any person otherwise authorized to receive such material by the federal government or any agency thereof, the department, any Agreement State or any Licensing State; or

(e) As otherwise authorized by the department in writing.

(3) Before transferring radioactive material to a specific licensee of the department, the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State, or to a general licensee who is required to register with the department, the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

(4) The following methods for the verification required by WAC 402-19-400(3) are acceptable:

(a) The transferor may obtain for possession, and read, a current copy of the transferee's specific license or registration certificate;

(b) The transferor may obtain for possession a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;

\*A licensee may transfer material to the department only after receiving prior approval from the department.

(c) For emergency shipments the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date: PROVIDED, That the oral certification is confirmed in writing within ten days;

(d) The transferor may obtain other sources of information compiled by a reporting service from official records of the department, the United States Nuclear Regulatory Commission, the licensing agency of an Agreement State or a Licensing State as to the identity of licensees and the scope and expiration dates of licenses and registration;

(e) When none of the methods of verification described in subsection (4) of this section are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the department, the United States Nuclear Regulatory Commission, or the licensing agency of an Agreement State or a Licensing State that the transferee is licensed to receive the radioactive material.

(5) Preparation for shipment and transport of radioactive material shall be in accordance with the provisions of WAC 402-19-500.

#### NEW SECTION

WAC 402-19-500 PREPARATION OF RADIOACTIVE MATERIAL FOR TRANSPORT. (1) No licensee shall deliver any radioactive material to a carrier\* for transport unless:

\*NOTE: For the purpose of this regulation, a licensee who transports the licensee's own material as a private carrier must comply with the same regulations which bind the carrier unless exempted under WAC 402-21-100 and is considered to have delivered such material to a carrier for transport.

(a) The licensee complies with the applicable requirements of the regulations, appropriate to the mode of transport of the United States Department of Transportation insofar as such regulations relate to the packing of radioactive material, and to the monitoring, marking and labeling of those packages;

(b) The licensee has established procedures for opening and closing packages in which radioactive material is transported to provide safety and to assure that, prior to the delivery to a carrier for transport, each package is properly closed for transport;

(c) Prior to delivery of a package to a carrier for transport, the licensee shall assure that any special instructions needed to safely open the package are sent to, or have been available to the consignee;

(d) A licensee who transports his own material as a private carrier must placard his vehicle according to the United States Department of Transportation regulations; and

(e) In addition to the requirements of the United States Department of Transportation, each package of Type A or Type B quantity radioactive material prepared for shipment must have the innermost container labeled as to the isotope, chemical form, number of curies or subunits thereof, and date of determination of activity and each innermost container shall be tested to assure that the container is properly sealed and that excessive contamination is not present prior to transportation.

(2) Subsection (1) of this section shall not apply to the transportation of licensed material, or to the delivery of licensed material to a carrier for transport, where such transportation is subject to the regulations of the United States Department of Transportation or the United States Postal Service.

**NEW SECTION**

**WAC 402-19-550 SCHEDULE B, EXEMPT QUANTITIES OF RADIOACTIVE MATERIALS. (See also WAC 402-19-190(2)(b).)**

Radioactive Material	Microcuries
Antimony-122 (Sb-122)	100
Antimony-124 (Sb-124)	10
Antimony-125 (Sb-125)	10
Arsenic-73 (As-73)	100
Arsenic-74 (As-74)	10
Arsenic-76 (As-76)	10
Arsenic-77 (As-77)	100
Barium-131 (Ba-131)	10
Barium-133 (Ba-133)	10
Barium-140 (Ba-140)	10
Bismuth-210 (Bi-210)	1
Bromine-82 (Br-82)	10
Cadmium-109 (Cd-109)	10
Cadmium-115m (Cd-115m)	10
Cadmium-115 (Cd-115)	100
Calcium-45 (Ca-45)	10
Calcium-47 (Ca-47)	10
Carbon-14 (C-14)	100
Cerium-141 (Ce-141)	100
Cerium-143 (Ce-143)	100
Cerium-144 (Ce-144)	1
Cesium-129 (Cs-129)	100
Cesium-131 (Cs-131)	1,000
Cesium-134m (Cs-134m)	100
Cesium-134 (Cs-134)	1
Cesium-135 (Cs-135)	10
Cesium-136 (Cs-136)	10
Cesium-137 (Cs-137)	10
Chlorine-36 (Cl-36)	10
Chlorine-38 (Cl-38)	10
Chromium-51 (Cr-51)	1,000
Cobalt-57 (Co-57)	100
Cobalt-58m (Co-58m)	10
Cobalt-58 (Co-58)	10
Cobalt-60 (Co-60)	1
Copper-64 (Cu-64)	100
Dysprosium-165 (Dy-165)	10
Dysprosium-166 (Dy-166)	100
Erbium-169 (Er-169)	100
Erbium-171 (Er-171)	100

Radioactive Material	Microcuries
Europium-152 (Eu-152) 9.2h	100
Europium-152 (Eu-152) 13 yr	1
Europium-154 (Eu-154)	1
Europium-155 (Eu-155)	10
Fluorine-18 (F-18)	1,000
Gadolinium-153 (Gd-153)	10
Gadolinium-159 (Gd-159)	100
Gallium-67 (Ga-67)	100
Gallium-72 (Ga-72)	10
Germanium-71 (Ge-71)	100
Gold-198 (Au-198)	100
Gold-199 (Au-199)	100
Hafnium-181 (Hf-181)	10
Holmium-166 (Ho-166)	100
Hydrogen-3 (H-3)	1,000
Indium-111 (In-111)	100
Indium-113m (In-113m)	100
Indium-114m (In-114m)	10
Indium-115m (In-115m)	100
Indium-115 (In-115)	10
Iodine-123 (I-123)	100
Iodine-125 (I-125)	1
Iodine-126 (I-126)	1
Iodine-129 (I-129)	0.1
Iodine-131 (I-131)	1
Iodine-132 (I-132)	10
Iodine-133 (I-133)	1
Iodine-134 (I-134)	10
Iodine-135 (I-135)	10
Iridium-192 (Ir-192)	10
Iridium-194 (Ir-194)	100
Iron-52 (Fe-52)	10
Iron-55 (Fe-55)	100
Iron-59 (Fe-59)	10
Krypton-85 (Kr-85)	100
Krypton-87 (Kr-87)	10
Lanthanum-140 (La-140)	10
Lutetium-177 (Lu-177)	100
Manganese-52 (Mn-52)	10
Manganese-54 (Mn-54)	10
Manganese-56 (Mn-56)	10
Mercury-197m (Hg-197m)	100
Mercury-197 (Hg-197)	100
Mercury-203 (Hg-203)	10
Molybdenum-99 (Mo-99)	100
Neodymium-147 (Nd-147)	100
Neodymium-149 (Nd-149)	100
Nickel-59 (Ni-59)	100
Nickel-63 (Ni-63)	10
Nickel-65 (Ni-65)	100
Niobium-93m (Nb-93m)	10
Niobium-95 (Nb-95)	10
Niobium-97 (Nb-97)	10
Osmium-185 (Os-185)	10
Osmium-191m (Os-191m)	100
Osmium-191 (Os-191)	100
Osmium-193 (Os-193)	100
Palladium-103 (Pd-103)	100
Palladium-109 (Pd-109)	100
Phosphorus-32 (P-32)	10
Platinum-191 (Pt-191)	100
Platinum-193m (Pt-193m)	100
Platinum-193 (Pt-193)	100
Platinum-197m (Pt-197m)	100
Platinum-197 (Pt-197)	100
Polonium-210 (Po-210)	0.1
Potassium-42 (K-42)	10
Potassium-43 (K-43)	10
Praseodymium-142 (Pr-142)	100
Praseodymium-143 (Pr-143)	100
Promethium-147 (Pm-147)	10
Promethium-149 (Pm-149)	10
Rhenium-186 (Re-186)	100
Rhenium-188 (Re-188)	100
Rhodium-103m (Rh-103m)	100
Rhodium-105 (Rh-105)	100
Rubidium-81 (Rb-81)	10
Rubidium-86 (Rb-86)	10
Rubidium-87 (Rb-87)	10
Ruthenium-97 (Ru-97)	100
Ruthenium-103 (Ru-103)	10
Ruthenium-105 (Ru-105)	10
Ruthenium-106 (Ru-106)	1
Samarium-151 (Sm-151)	10
Samarium-153 (Sm-153)	100
Scandium-46 (Sc-46)	10

Radioactive Material	Microcuries	Element (atomic number)	Isotope	Column I Gas concentration $\mu\text{Ci/ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci/ml}^2$
Scandium-47 (Sc-47)	100				
Scandium-48 (Sc-48)	10				
Selenium-75 (Se-75)	10				
Silicon-31 (Si-31)	100				
Silver-105 (Ag-105)	10				
Silver-110m (Ag-110m)	1				
Silver-111 (Ag-111)	100	Bromine (35)	Br-82	$4 \times 10^{-7}$	$3 \times 10^{-3}$
Sodium-22 (Na-22)	10	Cadmium (48)	Cd-109		$2 \times 10^{-3}$
Sodium-24 (Na-24)	10		Cd-115m		$3 \times 10^{-4}$
Strontium-85 (Sr-85)	10		Cd-115		$3 \times 10^{-4}$
Strontium-89 (Sr-89)	1	Calcium (20)	Ca-45		$9 \times 10^{-5}$
Strontium-90 (Sr-90)	0.1		Ca-47		$5 \times 10^{-4}$
Strontium-91 (Sr-91)	10	Carbon (6)	C-14	$1 \times 10^{-6}$	$8 \times 10^{-3}$
Strontium-92 (Sr-92)	10	Cerium (58)	Ce-141		$9 \times 10^{-4}$
Sulphur-35 (S-35)	100		Ce-143		$4 \times 10^{-4}$
Tantalum-182 (Ta-182)	10		Ce-144		$1 \times 10^{-4}$
Technetium-96 (Tc-96)	10	Cesium (55)	Cs-131		$2 \times 10^{-2}$
Technetium-97m (Tc-97m)	100		Cs-134m		$6 \times 10^{-2}$
Technetium-97 (Tc-97)	100		Cs-134		$9 \times 10^{-5}$
Technetium-99m (Tc-99m)	100	Chlorine (17)	Cl-38	$9 \times 10^{-7}$	$4 \times 10^{-3}$
Technetium-99 (Tc-99)	10	Chromium (24)	Cr-51		$2 \times 10^{-2}$
Tellurium-125m (Te-125m)	10	Cobalt (27)	Co-57		$5 \times 10^{-3}$
Tellurium-127m (Te-127m)	10		Co-58		$1 \times 10^{-3}$
Tellurium-127 (Te-127)	100		Co-60		$5 \times 10^{-4}$
Tellurium-129m (Te-129m)	10	Copper (29)	Cu-64		$3 \times 10^{-3}$
Tellurium-129 (Te-129)	100	Dysprosium (66)	Dy-165		$4 \times 10^{-3}$
Tellurium-131m (Te-131m)	10		Dy-166		$4 \times 10^{-4}$
Tellurium-132 (Te-132)	10	Erbium (68)	Er-169		$9 \times 10^{-4}$
Terbium-160 (Tb-160)	10		Er-171		$1 \times 10^{-3}$
Thallium-200 (Tl-200)	100	Europium (63)	Eu-152		$6 \times 10^{-4}$
Thallium-201 (Tl-201)	100		(9.2 h)		
Thallium-202 (Tl-202)	100		Eu-155		$2 \times 10^{-3}$
Thallium-204 (Tl-204)	10	Fluorine (9)	F-18	$2 \times 10^{-6}$	$8 \times 10^{-3}$
Thulium-170 (Tm-170)	10	Gadolinium (64)	Gd-153		$2 \times 10^{-3}$
Thulium-171 (Tm-171)	10		Gd-159		$8 \times 10^{-4}$
Tin-113 (Sn-113)	10	Gallium (31)	Ga-72		$4 \times 10^{-4}$
Tin-125 (Sn-125)	10	Germanium (32)	Ge-71		$2 \times 10^{-2}$
Tungsten-181 (W-181)	10	Gold (79)	Au-196		$2 \times 10^{-3}$
Tungsten-185 (W-185)	10		Au-198		$5 \times 10^{-4}$
Tungsten-187 (W-187)	10		Au-199		$2 \times 10^{-3}$
Vanadium-48 (V-48)	10	Hafnium (72)	Hf-181		$7 \times 10^{-4}$
Xenon-131m (Xe-131m)	1,000	Hydrogen (1)	H-3	$5 \times 10^{-6}$	$3 \times 10^{-2}$
Xenon-133 (Xe-133)	100	Indium (49)	In-113m		$1 \times 10^{-2}$
Xenon-135 (Xe-135)	100		In-114m		$2 \times 10^{-4}$
Ytterbium-175 (Yb-175)	100	Iodine (53)	I-126	$3 \times 10^{-9}$	$2 \times 10^{-5}$
Yttrium-87 (Y-87)	10		I-131	$3 \times 10^{-9}$	$2 \times 10^{-5}$
Yttrium-90 (Y-90)	10		I-132	$8 \times 10^{-8}$	$6 \times 10^{-4}$
Yttrium-91 (Y-91)	10		I-133	$1 \times 10^{-8}$	$7 \times 10^{-5}$
Yttrium-92 (Y-92)	100		I-134	$2 \times 10^{-7}$	$1 \times 10^{-3}$
Yttrium-93 (Y-93)	100	Iridium (77)	Ir-190		$2 \times 10^{-3}$
Zinc-65 (Zn-65)	10		Ir-192		$4 \times 10^{-4}$
Zinc-69m (Zn-69m)	100		Ir-194		$3 \times 10^{-4}$
Zinc-69 (Zn-69)	1,000	Iron (26)	Fe-55		$8 \times 10^{-3}$
Zirconium-93 (Zr-93)	10		Fe-59		$6 \times 10^{-4}$
Zirconium-95 (Zr-95)	10	Krypton (36)	Kr-85m	$1 \times 10^{-6}$	
Zirconium-97 (Zr-97)	10		Kr-85	$3 \times 10^{-6}$	
Any radioactive material not listed above other than alpha emitting radioactive material					
	0.1	Lanthanum (57)	La-140		$2 \times 10^{-4}$
		Lead (82)	Pb-203		$4 \times 10^{-3}$
		Lutetium (71)	Lu-177		$1 \times 10^{-3}$
		Manganese (25)	Mn-52		$3 \times 10^{-4}$
			Mn-54		$1 \times 10^{-3}$
			Mn-56		$1 \times 10^{-3}$
		Mercury (80)	Hg-197m		$2 \times 10^{-3}$
			Hg-197		$3 \times 10^{-3}$
			Hg-203		$2 \times 10^{-4}$
		Molybdenum (42)	Mo-99		$2 \times 10^{-3}$
		Neodymium (60)	Nd-147		$6 \times 10^{-4}$
			Nd-149		$3 \times 10^{-3}$
		Nickel (28)	Ni-65		$1 \times 10^{-3}$
		Niobium (Columbium) (41)	Nb-95		$1 \times 10^{-3}$
			Nb-97		$9 \times 10^{-3}$
		Osmium (76)	Os-185		$7 \times 10^{-4}$
			Os-191m		$3 \times 10^{-2}$
			Os-191		$2 \times 10^{-3}$
			Os-193		$6 \times 10^{-4}$
		Palladium (46)	Pd-103		$3 \times 10^{-3}$
			Pd-109		$9 \times 10^{-4}$
		Phosphorus (15)	P-32		$2 \times 10^{-4}$
		Platinum (78)	Pt-191		$1 \times 10^{-3}$
			Pt-193m		$1 \times 10^{-2}$
			Pt-197m		$1 \times 10^{-2}$
			Pt-197		$1 \times 10^{-3}$
		Potassium (19)	K-42		$3 \times 10^{-3}$
		Praseodymium (59)	Pr-142		$3 \times 10^{-4}$
			Pr-143		$5 \times 10^{-4}$

**NEW SECTION**

WAC 402-19-580 SCHEDULE C. EXEMPT CONCENTRATIONS. (See WAC 402-19-190(2)(a).)

Element (atomic number)	Isotope	Column I Gas concentration $\mu\text{Ci/ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci/ml}^2$
Antimony (51)	Sb-122		$3 \times 10^{-4}$
	Sb-124		$2 \times 10^{-4}$
	Sb-125		$1 \times 10^{-3}$
Argon (18)	Ar-37	$1 \times 10^{-3}$	
	Ar-41	$4 \times 10^{-7}$	
Arsenic (33)	As-73		$5 \times 10^{-3}$
	As-74		$5 \times 10^{-4}$
	As-76		$2 \times 10^{-4}$
	As-77		$8 \times 10^{-4}$
Barium (56)	Ba-131		$2 \times 10^{-3}$
	Ba-140		$3 \times 10^{-4}$
Beryllium (4)	Be-7		$2 \times 10^{-2}$
Bismuth (83)	Bi-206		$4 \times 10^{-4}$

Element (atomic number)	Isotope	Column I Gas concentration $\mu\text{Ci/ml}^1$	Column II Liquid and solid concentration $\mu\text{Ci/ml}^2$
Promethium (61)	Pm-147		$2 \times 10^{-3}$
	Pm-149		$4 \times 10^{-4}$
Rhenium (75)	Re-183		$6 \times 10^{-3}$
	Re-186		$9 \times 10^{-4}$
	Re-188		$6 \times 10^{-4}$
Rhodium (45)	Rh-103m		$1 \times 10^{-1}$
	Rh-105		$1 \times 10^{-3}$
Rubidium	Rb-86		$7 \times 10^{-4}$
Ruthenium (44)	Ru-97		$4 \times 10^{-3}$
	Ru-103		$8 \times 10^{-4}$
	Ru-105		$1 \times 10^{-3}$
	Ru-106		$1 \times 10^{-4}$
Samarium (62)	Sm-153		$8 \times 10^{-4}$
Scandium (21)	Sc-46		$4 \times 10^{-4}$
	Sc-47		$9 \times 10^{-4}$
	Sc-48		$3 \times 10^{-4}$
Selenium (34)	Se-75		$3 \times 10^{-3}$
Silicon (14)	Si-31		$9 \times 10^{-3}$
Silver (47)	Ag-105		$1 \times 10^{-3}$
	Ag-110m		$3 \times 10^{-4}$
	Ag-111		$4 \times 10^{-4}$
Sodium (11)	Na-24		$2 \times 10^{-3}$
Strontium (38)	Sr-85		$1 \times 10^{-3}$
	Sr-89		$1 \times 10^{-4}$
	Sr-91		$7 \times 10^{-4}$
	Sr-92		$7 \times 10^{-4}$
	Sr-90		$7 \times 10^{-4}$
Sulfur (16)	S-35	$9 \times 10^{-8}$	$6 \times 10^{-4}$
Tantalum (73)	Ta-182		$4 \times 10^{-4}$
Technetium (43)	Tc-96m		$1 \times 10^{-1}$
	Tc-96		$1 \times 10^{-3}$
	Tc-99m		$2 \times 10^{-3}$
Tellurium (52)	Te-125m		$6 \times 10^{-4}$
	Te-127m		$6 \times 10^{-4}$
	Te-127		$3 \times 10^{-3}$
	Te-129m		$3 \times 10^{-4}$
	Te-131m		$6 \times 10^{-4}$
	Te-132		$3 \times 10^{-4}$
Terbium (65)	Tb-160		$4 \times 10^{-4}$
Thallium (81)	Tl-200		$4 \times 10^{-3}$
	Tl-201		$3 \times 10^{-3}$
	Tl-202		$1 \times 10^{-3}$
	Tl-204		$1 \times 10^{-3}$
Thulium (69)	Tm-170		$5 \times 10^{-4}$
	Tm-171		$5 \times 10^{-3}$
Tin (50)	Sn-113		$9 \times 10^{-4}$
	Sn-125		$2 \times 10^{-4}$
Tungsten (Wolfram) (74)	W-181		$4 \times 10^{-3}$
	W-187		$7 \times 10^{-4}$
Vanadium (23)	V-48		$3 \times 10^{-4}$
Xenon (54)	Xe-131m	$4 \times 10^{-6}$	
	Xe-133	$3 \times 10^{-6}$	
	Xe-135	$1 \times 10^{-6}$	
Ytterbium (70)	Yb-175		$1 \times 10^{-3}$
Yttrium (39)	Y-90		$2 \times 10^{-4}$
	Y-91m		$3 \times 10^{-2}$
	Y-91		$3 \times 10^{-4}$
	Y-92		$6 \times 10^{-4}$
	Y-93		$3 \times 10^{-4}$
	Y-94		$1 \times 10^{-3}$
Zinc (30)	Zn-65		$1 \times 10^{-4}$
	Zn-69m		$7 \times 10^{-4}$
	Zn-69		$2 \times 10^{-2}$
Zirconium (40)	Zr-95		$6 \times 10^{-4}$
	Zr-97		$2 \times 10^{-4}$
Beta and/or gamma emitting radioactive material not listed above with half-life less than 3 years		$1 \times 10^{-10}$	$1 \times 10^{-6}$

NOTES:

<sup>1</sup>Values are given in Column I only for those materials normally used as gases  
<sup>2</sup> $\mu\text{Ci/gm}$  for solids

NOTE 1: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing the concentrations in Schedule C the activity stated is that of the parent isotope and takes into account the daughters.

NOTE 2: For purposes of WAC 402-19-190(2) where there is involved a combination of isotopes, the limit for the combination should be derived as follows: Determine for each isotope in the product the ratio between the concentration present in the product and the exempt concentration established in Schedule C for the specific isotope when not in combination. The sum of such ratios may not exceed "1" (i.e., unity).

EXAMPLE:

Concentration of Isotope A in Product
Exempt concentration of Isotope A
+
Concentration of Isotope B in Product
Exempt concentration of Isotope B
$\leq 1$

NOTE 3: For the purpose of determining concentration in a product or device, the total quantity of radioactive material present is divided by only that weight or volume of the discrete part or component throughout which the radioactive material is relatively uniformly distributed. If the weight or volume of this part or component cannot be determined then the product or device should be evaluated on the basis of the total quantity of radioactive material present.

REPEALER

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

- (1) WAC 402-20-010 PURPOSE AND SCOPE.
- (2) WAC 402-20-020 TYPES OF LICENSES.
- (3) WAC 402-20-030 GENERAL LICENSES - SOURCE MATERIAL.
- (4) WAC 402-20-040 GENERAL LICENSES - RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL.
- (5) WAC 402-20-050 FILING APPLICATION FOR SPECIFIC LICENSES.
- (6) WAC 402-20-060 GENERAL REQUIREMENTS FOR THE ISSUANCE OF SPECIFIC LICENSES.
- (7) WAC 402-20-070 SPECIAL REQUIREMENTS FOR ISSUANCE OF CERTAIN SPECIFIC LICENSES FOR RADIOACTIVE MATERIAL.
- (8) WAC 402-20-073 SPECIAL REQUIREMENTS FOR SPECIFIC LICENSES OF BROAD SCOPE.
- (9) WAC 402-20-076 SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR, OR DISTRIBUTE COMMODITIES, PRODUCTS, OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL.
- (10) WAC 402-20-080 ISSUANCE OF SPECIFIC LICENSES.
- (11) WAC 402-20-090 SPECIFIC TERMS AND CONDITIONS OF LICENSES.
- (12) WAC 402-20-100 EXPIRATION OF LICENSES.
- (13) WAC 402-20-110 RENEWAL OF LICENSE.
- (14) WAC 402-20-120 AMENDMENT OF LICENSES AT REQUEST OF LICENSEE.
- (15) WAC 402-20-130 AGENCY ACTION ON APPLICATIONS TO RENEW OR AMEND.
- (16) WAC 402-20-170 TRANSFER OF MATERIAL.
- (17) WAC 402-20-180 MODIFICATION, REVOCATION, AND TERMINATION OF LICENSES.
- (18) WAC 402-20-190 EXEMPTIONS.
- (19) WAC 402-20-200 PRE-LICENSING INSPECTION.
- (20) WAC 402-20-210 RECIPROCAL RECOGNITION OF LICENSES.



- (21) WAC 402-20-220 PREPARATION OF RADIOACTIVE MATERIAL FOR TRANSPORT.
- (22) WAC 402-20-240 SCHEDULE B, EXEMPT QUANTITIES OF RADIOACTIVE MATERIALS.
- (23) WAC 402-20-250 SCHEDULE C, EXEMPT CONCENTRATIONS.
- (24) WAC 402-20-260 SCHEDULE D, GROUPS OF MEDICAL USES OF RADIOACTIVE MATERIAL.
- (25) WAC 402-20-270 SCHEDULE E, LIMITS FOR BROAD LICENSES.

Chapter 402-21 WAC  
GENERAL LICENSES

**NEW SECTION**

**WAC 402-21-010 PURPOSE AND SCOPE.** This chapter establishes general licenses for the possession and use of radioactive material contained in certain items and a general license for ownership of radioactive material. Chapter 402-19 WAC also contains provisions applicable to the subject matter of this part.

**NEW SECTION**

**WAC 402-21-030 GENERAL LICENSES—SOURCE MATERIAL.** (1) A general license is hereby issued authorizing use, possession, and transfer of not more than fifteen pounds of source material at any one time by persons in the following categories:

- (a) Pharmacists using the source material solely for the compounding of medicinals;
- (b) Physicians using the source material for medicinal purposes;
- (c) Persons receiving possession of source material from pharmacists and physicians in the form of medicinals or drugs;
- (d) Commercial and industrial firms, and research, educational, and medical institutions for research, development, educational, or commercial purposes;
- And provided, that no such person shall, pursuant to this general license, receive more than a total of one hundred fifty pounds of source material in any one calendar year.

(2) Persons who receive, possess, use, or transfer source material pursuant to the general license issued in subsection (1) of this section are exempt from the provisions of chapters 402-24 and 402-48 WAC to the extent that such receipt, possession, use, or transfer is within the terms of such general license: PROVIDED, HOWEVER, That this exemption shall not be deemed to apply to any such person who is also in possession of source material under a specific license issued pursuant to this chapter.

(3) A general license is hereby issued authorizing the receipt of title to source material without regard to quantity. This general license does not authorize any person to receive, possess, use, or transfer source material.

(4) Depleted uranium in industrial products and devices.

(a) A general license is hereby issued to receive, acquire, possess, use, or transfer, in accordance with the provisions of paragraphs (4)(b), (c), (d), and (e) of this section, depleted uranium contained in industrial products or devices for the purpose of providing a concentrated mass in a small volume of the product or device.

(b) The general license in paragraph (4)(a) of this section applies only to industrial products or devices which have been manufactured either in accordance with a specific license issued to the manufacturer of the products or devices pursuant to WAC 402-22-110(13) or in accordance with a specific license issued to the manufacturer by the United States Nuclear Regulatory Commission or an Agreement State which authorizes manufacture of the products or devices for distribution to persons generally licensed by the United States Nuclear Regulatory Commission or an Agreement State.

(c)(i) Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by paragraph (4)(a) of this section shall file Department Form RHF-20 "Registration Certificate - Use of Depleted Uranium Under General License," with the department. The form shall be submitted within thirty days after the first receipt or acquisition of such depleted uranium. The registrant shall furnish on Department Form RHF-20 the following information and such other information as may be required by that form:

- (A) Name and address of the registrant;

- (B) A statement that the registrant has developed and will maintain procedures designed to establish physical control over the depleted uranium described in paragraph (4)(a) of this section and designed to prevent transfer of such depleted uranium in any form, including metal scrap, to persons not authorized to receive the depleted uranium; and
- (C) Name and/or title, address, and telephone number of the individual duly authorized to act for and on behalf of the registrant in supervising the procedures identified in item (4)(c)(i)(B) of this section.

(ii) The registrant possessing or using depleted uranium under the general license established by paragraph (4)(a) of this section shall report in writing to the department any changes in information previously furnished on the "Registration Certificate - Use of Depleted Uranium Under General License." The report shall be submitted within thirty days after the effective date of such change.

(d) A person who receives, acquires, possesses, or uses depleted uranium pursuant to the general license established by paragraph (4)(a) of this section:

(i) Shall not introduce such depleted uranium, in any form, into a chemical, physical, or metallurgical treatment or process, except a treatment or process for repair or restoration of any plating or other covering of the depleted uranium.

(ii) Shall not abandon such depleted uranium.

(iii) Shall transfer or dispose of such depleted uranium only by transfer in accordance with the provision of chapter 402-19 WAC. In the case where the transferee receives the depleted uranium pursuant to the general license established by paragraph (4)(a) of this section the transferor shall furnish the transferee a copy of this regulation and a copy of Department Form RHF-20.

In the case where the transferee receives the depleted uranium pursuant to a general license contained in the United States Nuclear Regulatory Commission's or Agreement State's regulation equivalent to paragraph (4)(a) of this section the transferor shall furnish the transferee a copy of this regulation and a copy of Department Form RHF-20 accompanied by a note explaining that use of the product or device is regulated by the United States Nuclear Regulatory Commission or Agreement State under requirements substantially the same as those in this regulation.

(iv) Within thirty days of any transfer, shall report in writing to the department the name and address of the person receiving the depleted uranium pursuant to such transfer.

(v) Shall not export such depleted uranium except in accordance with a license issued by the United States Nuclear Regulatory Commission pursuant to 10 CFR Part 110.

(e) Any person receiving, acquiring, possessing, using, or transferring depleted uranium pursuant to the general license established by paragraph (4)(a) of this section is exempt from the requirements of chapters 402-24 and 402-48 WAC of these regulations with respect to the depleted uranium covered by that general license.

**NEW SECTION**

**WAC 402-21-050 GENERAL LICENSES\*—RADIOACTIVE MATERIAL OTHER THAN SOURCE MATERIAL.**

\*NOTE: Different general licenses are issued in this section, each of which has its own specific conditions and requirements.

(1) Certain devices and equipment. A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment which have been manufactured, tested and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the United States Nuclear Regulatory Commission for use pursuant to Section 31.3 of 10 CFR Part 31. This general license is subject to the provisions of WAC 402-12-080 through 402-12-140, chapters 402-19, 402-24\*\* and 402-48 WAC of these regulations.

(a) Static elimination device. Devices designed for use as static eliminators which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device.

(b) Ion generating tube. Devices designed for ionization of air which contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device or a total of not more than 50 millicuries of hydrogen-3 (tritium) per device.

**\*\*Attention is directed particularly to the provisions of chapter 402-24 WAC of these regulations which relate to the labeling of containers.**

- (2) Reserved.
- (3) Reserved.
- (4) Certain measuring, gauging or controlling devices.

(a) A general license is hereby issued to commercial and industrial firms and research, educational and medical institutions, individuals in the conduct of their business, and state or local government agencies to own, acquire, receive, possess, use or transfer, in accordance with the provisions of paragraphs (4)(b), (c), and (d) of this section, radioactive material excluding special nuclear and source material contained in devices designed and manufactured for the purpose of detecting, measuring, gauging or controlling thickness, density, level, interface location, radiation, leakage, or qualitative or quantitative chemical composition, or for producing light or an ionized atmosphere.

(b) The general license in paragraph (4)(a) of this section applies only to radioactive material contained in devices which have been manufactured and labeled in accordance with the specifications contained in a specific license issued by the department pursuant to WAC 402-22-110(4) or in accordance with the Nuclear Regulatory Commission, an Agreement State or a Licensing State, which authorizes distribution of devices to persons generally licensed by the United States Nuclear Regulatory Commission, an Agreement State or Licensing State\*\*.

**\*\*NOTE:** Regulations under the Federal Food, Drug, and Cosmetic Act authorizing the use of radioactive control devices in food production require certain additional labeling thereon which is found in Section 179.21 of 21 CFR Part 179.

(c) Any person who owns, acquires, receives, possesses, uses or transfers radioactive material excluding special nuclear and source material in a device pursuant to the general license in paragraph (a) of this subsection:

(i) Shall assure that all labels affixed to the device at the time of receipt and bearing a statement that removal of the label is prohibited are maintained thereon and shall comply with all instructions and precautions provided by such labels;

(ii) Shall assure that the device is tested for leakage of radioactive material and proper operation of the on-off mechanism and indicator, if any, at no longer than six-month intervals or at such other intervals as are specified in the label, however:

(A) Devices containing only krypton need not be tested for leakage of radioactive material; and

(B) Devices containing only tritium or not more than 100 microcuries of other beta and/or gamma emitting material or 10 microcuries of alpha emitting material and devices held in storage in the original shipping container prior to initial installation need not be tested for any purpose;

(iii) Shall assure that the tests required by item (4)(c)(ii) of this section and other testing, installation, servicing, and removal from installation involving the radioactive materials, its shielding or containment, are performed:

(A) In accordance with the instructions provided by the labels; or

(B) By a person holding a specific license from the department or from the United States Nuclear Regulatory Commission or from any Agreement State to perform such activities;

(iv) Shall maintain records showing compliance with the requirements of items (4)(c)(ii) and (iii) of this section. The records shall show the results of tests. The records also shall show the dates of performance and the names of persons performing, testing, installation, servicing, and removal from installation concerning the radioactive material, its shielding or containment. Records of tests for leakage of radioactive material required by item (4)(c)(ii) of this section shall be maintained for one year after the next required leak test is performed or the sealed source is transferred or disposed. Records of tests of the on/off mechanism and indicator required by item (4)(c)(ii) of this section shall be maintained for one year after the next required test of the on/off mechanism and indicator is performed or the sealed source is transferred or disposed. Records of other testing, installation, servicing, and removal from installation required by item (4)(c)(iii) of this section shall be maintained for a period of two years from the date of the recorded event or the device is transferred or disposed;

(v) Upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on/off mechanism or indicator, or upon the

detection of 0.005 microcuries or more removable radioactive material, shall immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding a specific license from the department, the United States Nuclear Regulatory Commission, or from an Agreement State to repair such devices, or disposed by transfer to a person authorized by a specific license to receive the radioactive material excluding special nuclear and source material contained in the device and, within thirty days, furnish to the department a report containing a brief description of the event and the remedial action taken;

(vi) Shall not abandon the device containing radioactive material excluding special nuclear and source material;

(vii) Except as provided in item (4)(c)(viii) of this section, shall transfer or dispose the device containing radioactive material excluding special nuclear and source material only by transfer to a person holding a specific license of the department, the United States Nuclear Regulatory Commission, or an Agreement State, or a Licensing State whose specific license authorizes the person to receive the device and within thirty days after transfer of a device to a specific licensee shall furnish to the department a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

(viii) Shall transfer the device to another general licensee only:

(A) Where the device remains in use at a particular location.

In such case, the transferor shall give the transferee a copy of this subsection and any safety documents identified in the label of the device and within thirty days of the transfer, report to the department the manufacturer's name and model number of device transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the department and the transferee; or

(B) Where the device is held in storage in the original shipping container at its intended location of use prior to initial use by a general licensee.

(ix) Shall comply with the provisions of WAC 402-24-180 and 402-24-190 for reporting radiation incidents, theft or loss of licensed material, but shall be exempt from the other requirements of chapters 402-24 and 402-48 WAC.

(d) The general license in paragraph (4)(a) of this section does not authorize the manufacture, import or export of devices containing radioactive material excluding special nuclear and source material.

(e) The general license provided in subsection (4) of this section is subject to the provisions of WAC 402-12-080 through 402-12-100, 402-12-130, 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, and 402-19-500.

(5) Luminous safety devices for aircraft.

(a) A general license is hereby issued to own, receive, acquire, possess and use tritium or promethium-147 contained in luminous safety devices for use in aircraft, provided:

(i) Each device contains not more than 10 curies of tritium or 300 millicuries of promethium-147; and

(ii) Each device has been manufactured, assembled or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission, or each device has been manufactured or assembled in accordance with the specifications contained in a specific license issued by the department or any Agreement State to the manufacturer or assembler of such device pursuant to licensing requirements equivalent to those in Section 32.53 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission.

(b) Persons who own, receive, acquire, possess or use luminous safety devices pursuant to the general license in subsection (5) of this section are exempt from the requirements of chapters 402-24 and 402-48 WAC except that they shall comply with the provisions of WAC 402-24-180 and 402-24-190.

(c) This general license does not authorize the manufacture, assembly, or repair of luminous safety devices containing tritium or promethium-147.

(d) This general license does not authorize the ownership, receipt, acquisition, possession or use of promethium-147 contained in instrument dials.

(e) This general license is subject to the provisions of WAC 402-12-080 through 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, and 402-19-500.

(6) Ownership of radioactive material. A general license is hereby issued to own radioactive material without regard to quantity. Notwithstanding any other provisions of this chapter, this general license does not authorize the manufacture, production, transfer, receipt, possession or use of radioactive material.

(7) Calibration and reference sources.

(a) A general license is hereby issued to those persons listed below to own, receive, acquire, possess, use and transfer, in accordance with the provisions of paragraphs (7)(d) and (e) of this section, americium-241 in the form of calibration or reference sources:

(i) Any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material; and

(ii) Any person who holds a specific license issued by the United States Nuclear Regulatory Commission which authorizes that person to receive, possess, use and transfer special nuclear material.

(b) A general license is hereby issued to own, receive, possess, use and transfer plutonium in the form of calibration or reference sources in accordance with the provisions of paragraphs (7)(d) and (e) of this section to any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material.

(c) A general license is hereby issued to own, receive, possess, use and transfer radium-226 in the form of calibration or reference sources in accordance with the provisions of paragraphs (7)(d) and (e) of this section to any person who holds a specific license issued by the department which authorizes that person to receive, possess, use and transfer radioactive material.

(d) The general licenses in paragraphs (7)(a), (b) and (c) of this section apply only to calibration or reference sources which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer or importer of the sources by the United States Regulatory Commission pursuant to Section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 or which have been manufactured in accordance with the specifications contained in a specific license issued to the manufacturer by the department or any Agreement State pursuant to licensing requirements equivalent to those contained in Section 32.57 of 10 CFR Part 32 or Section 70.39 of 10 CFR Part 70 of the regulations of the United States Nuclear Regulatory Commission.

(e) The general licenses provided in paragraphs (7)(a), (b) and (c) are subject to the provisions of WAC 402-12-080 through 402-12-100, 402-12-130, 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, 402-19-500, chapters 402-24 and 402-48 WAC.

In addition, persons who own, receive, acquire, possess, use or transfer one or more calibration or reference sources pursuant to these general licenses:

(i) Shall not possess at any one time, at any one location of storage or use, more than 5 microcuries of americium-241 and 5 microcuries of plutonium in such sources and 5 microcuries of radium-226;

(ii) Shall not receive, possess, use or transfer such source unless the source, or the storage container, bears a label which includes one of the following statements or a substantially similar statement which contains the information called for in the following statement:

(A) The receipt, possession, use and transfer of this source, Model . . . . ., Serial No. . . . ., are subject to a general license and the regulations of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority. Do not remove this label.

**CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS (AMERICIUM-241). (PLUTONIUM)\*. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE**

.....  
Name of manufacturer or importer

\*NOTE: Showing only the name of the appropriate material.

(B) The receipt, possession, use and transfer of this source, Model . . . . ., Serial No. . . . ., are subject to a general license and the regulations of any Licensing State. Do not remove this label.

**CAUTION - RADIOACTIVE MATERIAL - THIS SOURCE CONTAINS RADIUM-226. DO NOT TOUCH RADIOACTIVE PORTION OF THIS SOURCE.**

.....  
Name of manufacturer or importer

(iii) Shall not transfer, abandon, or dispose of such source except by transfer to a person authorized by a license from the department, the United States Nuclear Regulatory Commission, or an Agreement State to receive the source;

(iv) Shall store such source, except when the source is being used, in a closed container adequately designed and constructed to contain americium-241, plutonium, or radium-226 which might otherwise escape during storage; and

(v) Shall not use such source for any purpose other than the calibration of radiation detectors or the standardization of other sources.

(f) These general licenses do not authorize the manufacture of calibration or reference sources containing americium-241, plutonium, or radium-226.

(8) Medical diagnostic uses.\*

\*NOTE: WAC 402-22-110(7) requires manufacturers of radiopharmaceuticals which are under the general license in this paragraph to affix a certain identifying label to the container or in the leaflet or brochure which accompanies the radiopharmaceutical. The New Drug provisions of the Federal Food, Drug, and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

(a) A general license is hereby issued to any physician to receive, possess, transfer or use radioactive material set forth below for the stated diagnostic uses: PROVIDED, HOWEVER, That the use is in accordance with the provision of paragraphs (8)(b), (c) and (d) of this section, the radioactive material is in the form of capsules, disposable syringes, or other prepackaged individual doses; and the radioactive material has been manufactured in accordance with a specific license issued by the department pursuant to WAC 402-22-110(7) or by the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State pursuant to equivalent regulations authorizing distribution to persons generally licensed pursuant to WAC 402-22-110(7) or its equivalent:

(i) Iodine-131 as sodium iodide (Na<sup>131</sup>I) for measurement of thyroid uptake;

(ii) Iodine-131 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(iii) Iodine-125 as iodinated human serum albumin (IHSA) for determinations of blood and blood plasma volume;

(iv) Cobalt-57 for the measurement of intestinal absorption of cyanocobalamin;

(v) Cobalt-58 for the measurement of intestinal absorption of cyanocobalamin;

(vi) Cobalt-60 for the measurement of intestinal absorption of cyanocobalamin; and

(vii) Chromium-51 as sodium radiochromate for determination of red blood cell volumes and studies of red blood cell survival time.

(b) No physician shall receive, possess, use or transfer radioactive material pursuant to the general license established by paragraph (8)(a) of this section until he has filed Department Form RHF-21 "Certificate - Medical Use of Radioactive Material Under General License" with the department and received from the department a validated copy of the Department Form RHF-21 with certification number assigned. The generally licensed physician shall furnish on Department Form RHF-21 the following information and such other information as may be required by the form:

(i) Name and address of the generally licensed physician;

(ii) A statement that the generally licensed physician is a duly licensed physician (authorized to dispense drugs) in the practice of medicine in this state; and

(iii) A statement that the generally licensed physician has appropriate radiation measuring instruments to carry out the diagnostic procedures for which he proposes to use radioactive material under the general license of paragraph (8) of this section and is competent in the use of such instruments.

(c) A physician who receives, possesses or uses a pharmaceutical containing radioactive material pursuant to the general license established by paragraph (8)(a) of this section:

(i) Shall not possess at any one time, pursuant to the general license in paragraph (8)(a) more than:

(A) 200 microcuries of iodine-131;

(B) 200 microcuries of iodine-125;

(C) 5 microcuries of cobalt-57;

- (D) 5 microcuries of cobalt-58;
- (E) 5 microcuries of cobalt-60; and
- (F) 200 microcuries of chromium-51.

(ii) Shall store the pharmaceutical until administered in the original shipping container, or a container providing equivalent radiation protection;

(iii) Shall use the pharmaceutical only for the uses authorized by paragraph (8)(a) of this section.

(iv) Shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the department, the United States Nuclear Regulatory Commission, any Agreement State or Licensing State, or in any manner other than in the unopened, labeled shipping container as received from the supplier, except by administering it to a patient.

(d) The generally licensed physician possessing or using radioactive material under the general license of paragraph (8)(a) of this section shall report to the department, any changes in the information furnished previously on Department Form RHF-21 "Certificate - Medical Use of Radioactive Material Under General License." The report shall be submitted within thirty days after the effective date of such change.

(e) Any person using radioactive material pursuant to the general license of paragraph (8)(a) of this section is exempt from the requirements of chapters 402-24 and 402-48 WAC of these regulations with respect to the radioactive material covered by the general license.

(9) General license for use of radioactive material for certain in vitro clinical or laboratory testing.\*

(a) A general license is hereby issued to any physician, veterinarian, clinical laboratory or hospital to receive, acquire, possess, transfer or use, for any of the following stated tests, in accordance with the provisions of paragraphs (9)(b), (c), (d), (e), and (f) of this section the following radioactive materials in prepackaged units:

(i) Iodine-125, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(ii) Iodine-131, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(iii) Carbon-14, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(iv) Hydrogen-3 (tritium), in units not exceeding 50 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(v) Iron-59, in units not exceeding 20 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(vi) Cobalt-57, in units not exceeding 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(vii) Selenium-75, in units not to exceed 10 microcuries each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

(viii) Mock Iodine-125 reference or calibration sources, in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each for use in in vitro clinical or laboratory tests not involving internal or external administration of radioactive material, or the radiation therefrom, to human beings or animals.

\*NOTE: The New Drug provisions of the Federal Food, Drug and Cosmetic Act also govern the availability and use of any specific diagnostic drugs in interstate commerce.

(b) No person shall receive, acquire, possess, use or transfer radioactive material pursuant to the general license established by paragraph (9)(a) of this section until that person has filed Department Form RHF-15, "Certificate - In Vitro Testing with Radioactive Material Under General License", with the department and received from the department a validated copy of Department Form RHF-15 with certification number assigned, or until that person has been authorized pursuant to WAC 402-22-070(3) to use radioactive material under

the general license in subsection (9) of this section. The physician, veterinarian, clinical laboratory or hospital shall furnish on Department Form RHF-15 the following information and such other information as may be required by that form:

(i) Name and address of the physician, veterinarian, clinical laboratory or hospital;

(ii) The location of use; and

(iii) A statement that the physician, veterinarian, clinical laboratory or hospital has appropriate radiation measuring instruments to carry out in vitro clinical or laboratory tests with radioactive material as authorized under the general license in paragraph (9)(a) of this section and that such tests will be performed only by personnel competent in the use of such instruments and in the handling of the radioactive material.

(c) A person who receives, acquires, possesses or uses radioactive material pursuant to the general license established by paragraph (9)(a) of this section shall comply with the following:

(i) The general licensee shall not possess at any one time, pursuant to the general license in paragraph (9)(a) of this section at any one location of storage or use, a total amount of iodine-125, iodine-131, selenium-75, iron-59, and/or cobalt-57 in excess of 200 microcuries.

(ii) The general licensee shall store the radioactive material, until used, in the original shipping container or in a container providing equivalent radiation protection.

(iii) The general licensee shall use the radioactive material only for the uses authorized by paragraph (9)(a) of this section.

(iv) The general licensee shall not transfer the radioactive material to a person who is not authorized to receive it pursuant to a license issued by the department, the United States Nuclear Regulatory Commission, any Agreement State or Licensing State, nor transfer the radioactive material in any manner other than in the unopened, labeled shipping container as received from the supplier.

(v) The general licensee shall dispose of the Mock Iodine-125 reference or calibration sources described in item (9)(a)(viii) of this section as required by WAC 402-24-130 of these regulations.

(d) The general licensee shall not receive, acquire, possess, or use radioactive material pursuant to paragraph (9)(a) of this section:

(i) Except as prepackaged units which are labeled in accordance with the provision of an applicable specific license issued pursuant to WAC 402-22-110(8) or in accordance with the provisions of a specific license issued by the United States Nuclear Regulatory Commission, or any Agreement State or Licensing State which authorizes the manufacture and distribution of iodine-125, iodine-131, carbon-14, hydrogen-3 (tritium), iron-59, selenium-75, cobalt-57, or Mock Iodine-125 to persons generally licensed under subsection (9) of this section or its equivalent; and

(ii) Unless one of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

.....  
Name of manufacturer

This radioactive material shall be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

.....  
Name of manufacturer

(e) The physician, veterinarian, clinical laboratory or hospital possessing or using radioactive material under the general license of paragraph (9)(a) of this section shall report in writing to the department, any changes in the information previously furnished in the "Certificate - In Vitro Testing with Radioactive Material Under General License", Department Form RHF-15. The report shall be furnished within thirty days after the effective date of such change.

(f) Any person using radioactive material pursuant to the general license of paragraph (9)(a) of this section is exempt from the requirements of chapters 402-24 and 402-48 WAC of these regulations with respect to radioactive material covered by that general license, except that such persons using the Mock Iodine-125 described in item (9)(a)(viii) of this section shall comply with the provisions of WAC 402-24-130, 402-24-180 and 402-24-190 and of these regulations.

(10) Ice detection devices.

(a) A general license is hereby issued to own, receive, acquire, possess, use and transfer strontium-90 contained in ice detection devices, provided each device contains not more than 50 microcuries of strontium-90 and each device has been manufactured or imported in accordance with a specific license issued by the United States Nuclear Regulatory Commission or each device has been manufactured in accordance with the specifications contained in a specific license issued by the department or any Agreement State to the manufacturer of such device pursuant to licensing requirements equivalent to those in Section 32.61 of 10 CFR Part 32 of the regulations of the United States Nuclear Regulatory Commission.

(b) Persons who own, receive, acquire, possess, use or transfer strontium-90 contained in ice detection devices pursuant to the general license in paragraph (10)(a) of this section:

(i) Shall, upon occurrence of visually observable damage, such as a bend or crack or discoloration from overheating to the device, discontinue use of the device until it has been inspected, tested for leakage and repaired by a person holding a specific license from the United States Nuclear Regulatory Commission or an Agreement State to manufacture or service such devices; or shall dispose of the device pursuant to the provisions of these regulations;

(ii) Shall assure that all labels affixed to the device at the time of receipt, and which bear a statement which prohibits removal of the labels, are maintained thereon; and

(iii) Are exempt from the requirements of chapters 402-24 and 402-48 WAC of these regulations except that such persons shall comply with the provisions of WAC 402-24-130, 402-24-180, and 402-24-190.

(c) This general license does not authorize the manufacture, assembly, disassembly or repair of strontium-90 in ice detection devices.

(d) This general license is subject to the provision of WAC 402-12-080 through WAC 402-12-100, 402-12-130, 402-12-140, 402-12-170, 402-19-300, 402-19-350, 402-19-400, and 402-19-500 of these regulations.

#### NEW SECTION

**WAC 402-21-100 INTRASTATE TRANSPORTATION OF RADIOACTIVE MATERIAL.** (1) A general license is hereby issued to any common or contract carrier to transport and store radioactive material in the regular course of their carriage for another or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting.\* Persons who transport and store radioactive material pursuant to the general license in this paragraph are exempt from the requirements of chapters 402-24 and 402-48 WAC of these regulations.

(2) A general license is hereby issued to any private carrier to transport radioactive material: PROVIDED, That the transportation is in accordance with the applicable requirements of the regulations, appropriate to the mode of transport, of the United States Department of Transportation insofar as such regulations relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting.\*

(a) Persons who transport radioactive material pursuant to the general license in subsection (2) of this section are exempt from the requirements of chapters 402-24 and 402-48 WAC of these regulations to the extent that they transport radioactive material.

(b) Physicians as defined in WAC 402-12-050(27) are exempt from the requirements of subsection (2) of this section only to the extent

that they transport radioactive material for emergency use in the practice of medicine.

\*NOTE: Any notification of incidents referred to in those requirements shall be filed with, or made to the department.

#### Chapter 402-22 WAC SPECIFIC LICENSES

#### NEW SECTION

**WAC 402-22-010 PURPOSE AND SCOPE.** (1) This chapter prescribes requirements for the issuance of specific licenses.

(2) The provisions and requirements of this chapter are in addition to, and not in substitution for, other requirements of these regulations. In particular the provisions of chapter 402-19 WAC apply to applications and licenses subject to this chapter.

#### NEW SECTION

**WAC 402-22-020 FILING APPLICATION FOR SPECIFIC LICENSES.** (1) Applications for specific licenses shall be filed on Department Form RHF-1.

(2) The department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the department to determine whether the application should be granted or denied or whether a license should be modified or revoked.

(3) Each application shall be signed by the applicant or licensee or a person duly authorized to act for and on the applicant's behalf.

(4) An application for a license may include a request for a license authorizing one or more activities.

(5) In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the department provided such references are clear and specific.

(6) Applications and documents submitted to the department may be made available for public inspection except that the department may withhold any document or part thereof from public inspection if disclosure of its content is not required in the public interest and would adversely affect the interest of a person concerned.

#### NEW SECTION

**WAC 402-22-040 GENERAL REQUIREMENTS FOR THE ISSUANCE OF SPECIFIC LICENSES.** A license application will be approved if the department determines that:

(1) The applicant is qualified by reason of training and experience to use the material in question for the purpose requested in accordance with these regulations in such a manner as to minimize danger to public health and safety or property;

(2) The applicant's proposed equipment, facilities, and procedures are adequate to minimize danger to public health and safety or property;

(3) The issuance of the license will not be inimical to the health and safety of the public; and

(4) The applicant satisfies any applicable special requirements in WAC 402-22-070, 402-22-090, and 402-22-110.

#### NEW SECTION

**WAC 402-22-045 ISSUANCE OF SPECIFIC LICENSES.** (1) Upon a determination that an application meets the requirements of the act and the regulations of the department the department will issue a specific license authorizing the proposed activity in such form and containing such conditions and limitations as it deems appropriate or necessary.

(2) The department may incorporate in any license at the time of issuance, or thereafter by appropriate rule, regulation, or order, such additional requirements and conditions with respect to the licensee's receipt, possession, use and transfer of radioactive material subject to this part as it deems appropriate or necessary in order to:

(a) Minimize danger to public health and safety or property;

(b) Require such reports and the keeping of such records, and to provide for such inspections of activities under the license as may be appropriate or necessary; and

(c) Prevent loss or theft of material subject to this part.

**NEW SECTION**

**WAC 402-22-050 EXPIRATION OF LICENSES.** Except as provided in WAC 402-22-055(2), each specific license shall expire at the end of the day, in the month and year stated therein.

**NEW SECTION**

**WAC 402-22-055 RENEWAL OF LICENSE.** (1) Applications for renewal of specific licenses shall be filed in accordance with WAC 402-22-020.

(2) In any case in which a licensee, not less than thirty days prior to expiration of the existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until the application has been finally determined by the department.

**NEW SECTION**

**WAC 402-22-060 AMENDMENT OF LICENSES AT REQUEST OF LICENSEE.** Applications for amendment of a license shall be filed in accordance with WAC 402-22-020 and shall specify the respects in which the licensee desires the license to be amended and the grounds for such amendment.

**NEW SECTION**

**WAC 402-22-065 AGENCY ACTION ON APPLICATIONS TO RENEW OR AMEND.** In considering an application by a licensee to renew or amend the license, the department will apply the criteria set forth in WAC 402-22-040, 402-22-070, 402-22-090, or 402-22-110 as applicable.

**NEW SECTION**

**WAC 402-22-070 SPECIAL REQUIREMENTS FOR ISSUANCE OF CERTAIN SPECIFIC LICENSES FOR RADIOACTIVE MATERIAL.** (1) Human use of radioactive material in institutions. In addition to the requirements set forth in WAC 402-22-040 a specific license for human use of radioactive material in institutions will be issued if:

(a) The applicant has appointed a radiation safety committee to coordinate the use of radioactive material throughout that institution and to maintain surveillance over the institution's radiation safety program. Membership of the committee should include a specialist (where applicable a physician) from each department where radioactive material is used, a representative of the institution's management, a representative of the nursing staff, and a person trained in radiation safety;

(b) The applicant possesses adequate facilities for the clinical care of patients;

(c) The physician(s) designated on the application as the individual user(s) has (or have) substantial experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients; and

(d) If the application is for a license to use unspecified quantities or multiple types of radioactive material, the applicant's staff has substantial experience in the use of a variety of radioactive materials for a variety of human uses.

(2) Licensing of individual physicians for human use of radioactive material. In addition to the requirements set forth in WAC 402-22-040 a specific license for the human use of radioactive material will be issued to an individual physician if:

(a) The applicant has access to a hospital possessing adequate facilities to hospitalize and monitor the applicant's radioactive patients whenever it is advisable; and

(b) The applicant has extensive experience in the handling and administration of radioactive material and, where applicable, the clinical management of radioactive patients.

(c) The application is for use in the applicant's practice in an office outside a medical institution.

(d) The department will not approve an application by an individual physician or group of physicians for a specific license to receive, possess or use radioactive material on the premises of a medical institution unless:

(i) The use of radioactive material is limited to:

(A) the administration of radiopharmaceuticals for diagnostic or therapeutic purposes,

(B) the performance of diagnostic studies on patients to whom a radiopharmaceutical has been administered,

(C) the performance of in vitro diagnostic studies, or  
(D) the calibration and quality control checks of radioactive assay instrumentation, radiation safety instrumentation and diagnostic instrumentation;

(ii) The physician brings the radioactive material with him and removes the radioactive material when he departs. (The institution cannot receive, possess or store radioactive material other than the amount of material remaining in the patient); and

(iii) The medical institution does not hold a radioactive material license issued pursuant to the provisions of subsection (1) of this section.

(3) Specific licenses for certain groups of medical uses of radioactive material.

(a) Subject to the provisions of paragraphs (3)(b), (c) and (d) of this section an application for a specific license pursuant to subsections (1), (2) or (4) of this section, or for any medical use or uses of radioactive material specified in one or more of Groups I to VI, inclusive, of WAC 402-22-200, Schedule A, will be approved for all of the uses within the group or groups which include the use or uses specified in the application if:

(i) The applicant satisfies the requirements of subsections (1), (2) or (4) of this section;

(ii) The applicant, or the physician designated in the application as the individual user, has adequate clinical experience in the types of uses included in the group or groups;

(iii) The applicant, or the physicians and all other personnel who will be involved in the preparation and use of the radioactive material, have adequate training and experience in the handling of radioactive material appropriate to their participation in the uses included in the group or groups;

(iv) The applicant's radiation detection and measuring instrumentation is adequate for conducting the procedures involved in the uses included in the group or groups; and

(v) The applicant's radiation safety operating procedures are adequate for handling and disposal of the radioactive material involved in the uses included in the group or groups.

(b) Any licensee or registrant who is authorized to use radioactive material pursuant to one or more groups in paragraph (3)(a) of this section and WAC 402-22-200, Schedule A, is subject to the following conditions:

(i) For Groups I, II, IV, and V, no licensee or registrant shall receive, possess or use radioactive material except as a radiopharmaceutical manufactured in the form to be administered to the patient, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC 402-22-110(10), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.72 of 10 CFR Part 32, or a specific license issued by an Agreement State or a Licensing State pursuant to equivalent regulations.

(ii) For Group III, no licensee or registrant shall receive, possess or use generators or reagent kits containing radioactive material or shall use reagent kits that do not contain radioactive material to prepare radiopharmaceuticals containing radioactive material, except:

(A) Reagent kits not containing radioactive material that are approved by the department, the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State for use by persons licensed pursuant to subsection (3) of this section and WAC 402-22-200, Schedule A, or equivalent regulations; or

(B) Generators or reagent kits containing radioactive material that are manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC 402-22-110(11), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.73 of 10 CFR Part 32, or a specific license issued by an Agreement State or a Licensing State pursuant to equivalent regulations.

(iii) For Group VI, no licensee or registrant shall receive, possess or use radioactive material except as contained in a source or device that has been manufactured, labeled, packaged and distributed in accordance with a specific license issued by the department pursuant to WAC 402-22-110(12), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by an Agreement State or a Licensing State pursuant to equivalent regulations.

(iv) For Group III, any licensee or registrant who uses generators or reagent kits shall elute the generator or process radioactive material



with the reagent kit in accordance with instructions which are approved by the department, the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State and are furnished by the manufacturer on the label attached to or in the leaflet or brochure which accompanies the generator or reagent kit.

(v) For Group VI, any licensee who possesses and uses sources or devices containing radioactive material shall:

- (A) Cause each source or device containing more than 100 microcuries of radioactive material with a half-life greater than thirty days, except iridium-192 seeds encased in nylon ribbon, to be tested for contamination and/or leakage at intervals not to exceed six months or at such other intervals as are approved by the department, the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State and described by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure which accompanies the source or device. Each source or device shall be so tested prior to its first use unless the supplier furnishes a certificate that the source or device has been so tested within six months prior to the transfer;
  - (B) Assure that the test required by item (3)(b)(v)(A) of this section shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample or in the case of radium, the escape of radon at the rate of 0.001 microcurie per twenty-four hours. The test sample shall be taken from the source or from the surfaces of the device in which the source is permanently or semipermanently mounted or stored on which one might expect contamination to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the department;
  - (C) If the test required by item (3)(b)(v)(A) of this section reveals the presence of 0.005 microcurie or more of removable contamination or in the case of radium, the escape of radon at the rate of 0.001 microcurie per twenty-four hours, immediately withdraw the source from use and cause it to be decontaminated and repaired or to be disposed of in accordance with department regulations. A report shall be filed within five days of the test with the department, describing the equipment involved, the test results, and the corrective action taken;
  - (D) Follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State and furnished by the manufacturer on the label attached to the source, device or permanent container thereof, or in the leaflet or brochure which accompanies the source or device, and maintain such instruction in a legible and conveniently available form;
  - (E) Conduct a quarterly physical inventory to account for all sources and devices received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include the quantities and kinds of radioactive material, location of sources and devices, and the date of the inventory;
  - (F) Assure that needles or standard medical applicator cells containing radium-226 or cobalt-60 as wire are not opened while in the licensee's possession unless specifically authorized by a license issued by the department;
  - (G) Assure that patients containing cobalt-60, cesium-137, iridium-192 and/or radium-226 implants shall remain hospitalized until a source count and a radiation survey of the patient confirm that all implants have been removed; and
  - (H) For Groups I, II and III any licensee using byproduct material for clinical procedures other than those specified in the product labeling (package insert) shall comply with the product labeling regarding:
    - (aa) Chemical and physical form;
    - (bb) Route of administration; and
    - (cc) Dosage range.
- (c) Any licensee who is licensed pursuant to paragraph (3)(a) of this section for one or more of the medical use groups in WAC 402-22-200, Schedule A, also is authorized, subject to the provisions of paragraph (3)(c) and (d) of this section to receive, possess and use for calibration and reference standards:

(i) Any radioactive material listed in Group I, Group II, or Group III of WAC 402-22-200, Schedule A, with a half-life not longer than one hundred days, in amounts not to exceed 15 millicuries total;

(ii) Any radioactive material listed in Group I, Group II, or Group III of WAC 402-22-200, Schedule A, with half-life greater than one hundred days in amounts not to exceed 200 microcuries total;

(iii) Technetium-99m in amounts not to exceed 30 millicuries; and

(iv) Any radioactive material, in amounts not to exceed 3 millicuries per source, contained in calibration or reference sources that have been manufactured, labeled, packaged, and distributed in accordance with a specific license issued by the department pursuant to WAC 402-22-110(12), a specific license issued by the United States Nuclear Regulatory Commission pursuant to Section 32.74 of 10 CFR Part 32, or a specific license issued to the manufacturer by an Agreement State or a Licensing State pursuant to equivalent regulations.

(d) Leak tests.

(i) Any licensee or registrant who possesses sealed sources as calibration or reference sources pursuant to paragraph (3)(c) of this section shall cause each sealed source containing radioactive material, other than hydrogen-3, with a half-life greater than thirty days in any form other than gas to be tested for leakage and/or contamination at intervals not to exceed six months. In the absence of a certificate from a transferor indicating that a test has been made within six months prior to the transfer, the sealed sources should not be used until tested: PROVIDED, HOWEVER, That no leak tests are required when the source contains 100 microcuries or less of beta and/or gamma emitting material or 10 microcuries or less of alpha emitting material;

(ii) The leak test shall be capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample. The test sample shall be taken from the sealed source or from the surfaces of the device in which the sealed source is mounted or stored on which contamination might be expected to accumulate. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the department.

(iii) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee or registrant shall immediately withdraw the sealed source from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with chapters 402-22 and 402-24 WAC of these regulations. A report shall be filed within five days of the test with the department describing the equipment involved, the test results, and the corrective action taken.

(e) Any licensee or registrant who possesses and uses calibration and reference sources pursuant to item (3)(c)(iv) of this section shall:

(i) Follow the radiation safety and handling instructions approved by the department, the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State and furnished by the manufacturer on the label attached to the source, or permanent container thereof, or in the leaflet or brochure that accompanies the source, and maintain such instruction in a legible and conveniently available form; and

(ii) Conduct a quarterly physical inventory to account for all sources received and possessed. Records of the inventories shall be maintained for inspection by the department and shall include the quantities and kinds of radioactive material, location of sources, and the date of the inventory.

(4) Human use of sealed sources. In addition to the requirements set forth in WAC 402-22-040, a specific license for human use of sealed sources will be issued only if the applicant or, if the application is made by an institution, the individual user:

(a) Has specialized training in the diagnostic or therapeutic use of the sealed source considered, or has experience equivalent to such training; and

(b) Is a physician.

(5) Use of sealed sources in industrial radiography. In addition to the requirements set forth in WAC 402-22-040, a specific license for use of sealed sources in industrial radiography will be issued if:

(a) The applicant will have an adequate program for training radiographers and radiographer's assistants and submits to the department a schedule or description of such program which specifies the:

(i) Initial training;

(ii) Periodic training;

(iii) On-the-job training;

(iv) Means to be used by the licensee to determine the radiographer's knowledge and understanding of and ability to comply with department regulations and licensing requirements, and the operating and emergency procedures of the applicant; and



(v) Means to be used by the licensee to determine the radiographer's assistant's knowledge and understanding of and ability to comply with the operating and emergency procedures of the applicant;

(b) The applicant submits to the department and complies with satisfactory written operating and emergency procedures (described in WAC 402-36-110 of these regulations);

(c) The applicant will have an adequate internal inspection system, or other management control, to assure that license provisions, regulations, and the applicant's operating and emergency procedures are followed by radiographers and radiographer's assistants;

(d) The applicant submits to the department a description of the applicant's overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program;

(e) The applicant who desires to conduct leak tests has established adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination and submits to the department a description of such procedures including:

(i) Instrumentation to be used;

(ii) Method of performing tests, e.g., points on equipment to be smeared and method of taking smear; and

(iii) Pertinent experience of the person who will perform the tests;

(f) The licensee shall conduct a program for inspection and maintenance of radiographic exposure devices and storage containers to assure proper functioning of components important to safety.

(6) Environmentally significant licensing actions. In addition to the requirements set forth in WAC 402-22-040, a specific license for any activity within the licensing authority of the department which the department determines will significantly affect the radiological quality of the human environment, including those specified in WAC 197-10-175(7)(a) (i.e., licenses to operate low level waste burial facilities or licenses to operate or expand beyond the design capacity, mineral processing facilities or their tailings areas, whose products, or byproducts, have concentrations of naturally occurring radioactive material in excess of exempt concentrations as specified in WAC 402-19-580, Schedule C), will be issued if the following conditions are met:

(a) The application for a license or license amendment (other than administrative amendments) is accompanied or preceded by a Final Environmental Impact Statement or Final Declaration of Nonsignificance completed in accordance with the State Environmental Policy Act (SEPA) procedures and guidelines specified in chapters 197-10 and 248-06 WAC. For any uranium or thorium mill in operation on or before the effective date of this regulation for which an Environmental Impact Statement has not been prepared previously, an application for license renewal must be accompanied or preceded by a Final Environmental Impact Statement or Final Declaration of Nonsignificance completed in accordance with SEPA guidelines.

**NOTE:** No construction shall be commenced until the license has been issued or unless an emergency exemption from SEPA requirements is granted in accordance with WAC 197-10-180. For the purposes of subsection (6) of this section, the term "commencement of construction" means any clearing of land, excavation or other substantial action related to a proposed activity for specific licensing that would adversely affect the natural environment of a site; this term does not include changes desirable for the temporary use of the land for public recreational use, limited borings to determine site characteristics as necessary for environmental assessment, or other preconstruction monitoring to establish background information related to suitability of a site or to the protection of environmental values. In the case where an exemption is granted, the applicant shall assume all financial risk for construction activity; waive any claim of entitlement to the issuance of a license based solely upon the grant of the exemption or the commencement of construction pursuant thereto; and furnish, if the circumstances warrant and the department so requires, a financial surety arrangement to insure the protection of the public health, safety and the environment in the event of abandonment, default, or inability of the license applicant to meet the requirements of the act or these regulations.

(b) For uranium or thorium milling operations, a bond made payable to the department of social and health services or other acceptable government agency, and in an amount specified by the department, shall be posted to ensure the protection of the public health and safety in the event of abandonment, default or other inability of the licensee

to meet the requirements for reclamation and disposal of tailings and for decommissioning the site. The bond, or a copy thereof when the bond is made payable to another government agency, shall be received by the department prior to issuance of the license, or prior to license renewal for mills in operation on or before the effective date of this regulation. Other acceptable surety arrangements in addition to surety bonding include cash deposits, certificates of deposit, deposits of government securities, letters or lines of credit or combinations of the foregoing. The amount and mechanism of the surety arrangement may be reviewed by the department preceding each license renewal and adjustments may be required of the licensee prior to such renewal.

(c) The owner of the proposed uranium or thorium mill and tailings site(s) agrees to transfer or revert to the appropriate state or federal agency upon termination of the license, all lands, buildings and grounds, and any interest therein, necessary to fulfill the purposes of this subsection, except where the lands are held in trust for, or are owned by any Indian tribe. For any uranium or thorium mill in operation on or before the effective date of this regulation, such an agreement will be required prior to license renewal.

(d) For all uranium and thorium milling operations, the owner or operator shall arrange to pay to the department or its designee on a quarterly basis a charge on each pound of uranium or thorium compound which is milled out of the raw ore on or after January 1, 1980. For uranium or thorium mills in operation on or before the effective date of this regulation, the mill owner or operator shall determine the appropriate manner in which to make said payments prior to April 1, 1980.

(i) The specific charge shall be five cents per pound on each pound of uranium or thorium compound milled out of the raw ore.

(ii) The specific charge may be increased or decreased as is considered necessary to provide a special security fund for the further maintenance, surveillance or care which may be required after a licensee has ceased to operate.

(iii) The total charge shall not exceed one million dollars.

(e) The application for a license includes a description of an appropriate program for effluent monitoring, environmental monitoring and data reporting. Such description shall encompass locations, frequency, and types of sampling, analytical plans and procedures, minimum detection levels, sampling equipment and quality assurance programs.

#### NEW SECTION

**WAC 402-22-090 SPECIAL REQUIREMENTS FOR SPECIFIC LICENSES OF BROAD SCOPE.** This section prescribes requirements for the issuance of specific licenses of broad scope for radioactive material ("broad licenses") and certain regulations governing holders of such licenses.\*

**\*NOTE:** Authority to transfer possession or control by the manufacturer, processor, or producer of any equipment, device, commodity or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(1) The different types of broad licenses are set forth below:

(a) A "Type A specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of the radioactive material specified in the license, but not exceeding quantities specified in the license, for any authorized purpose. The quantities specified are usually in the multicurie range.

(b) A "Type B specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer of any chemical or physical form of radioactive material specified in WAC 402-22-250 Schedule B, for any authorized purpose. The possession limit for a Type B broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC 402-22-250 Schedule B, Column 1. If two or more radionuclides are possessed thereunder, the possession limit for each is determined as follows: For each radionuclide, determine the ratio of the quantity possessed to the applicable quantity specified in WAC 402-22-250 Schedule B, Column 1, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(c) A "Type C specific license of broad scope" is a specific license authorizing receipt, acquisition, ownership, possession, use and transfer

of any chemical or physical form of radioactive material specified in WAC 402-22-250 Schedule B, for any authorized purpose. The possession limit for a Type C broad license, if only one radionuclide is possessed thereunder, is the quantity specified for that radionuclide in WAC 402-22-250 Schedule B, Column II. If two or more radionuclides are possessed thereunder, the possession limit is determined for each as follows: For each radionuclide determine the ratio of the quantity possessed to the applicable quantity specified in WAC 402-22-250 Schedule B, Column II, for that radionuclide. The sum of the ratios for all radionuclides possessed under the license shall not exceed unity.

(2) An application for a Type A specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 402-22-040.

(b) The applicant has engaged in a reasonable number of activities involving the use of radioactive material; and

(c) The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The establishment of a radiation safety committee composed of such persons as a radiation safety officer, a representative of management, and persons trained and experienced in the safe use of radioactive material;

(ii) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(iii) The establishment of appropriate administrative procedures to assure:

- (A) Control of procurement and use of radioactive material;
- (B) Completion of safety evaluation of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and
- (C) Review, approval, and recording by the radiation safety committee of safety evaluation of proposed uses prepared in accordance with item (2)(c)(iii)(B) of this section prior to use of the radioactive material.

(3) An application for a Type B specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 402-22-040; and

(b) The applicant has established administrative controls and provisions relating to organization and management, procedures, record-keeping, material control and accounting, and management review that are necessary to assure safe operations, including:

(i) The appointment of a radiation safety officer who is qualified by training and experience in radiation protection, and who is available for advice and assistance on radiation safety matters; and

(ii) The establishment of appropriate administrative procedures to assure:

- (A) Control of procurement and use of radioactive material;
- (B) Completion of safety evaluations of proposed uses of radioactive material which take into consideration such matters as the adequacy of facilities and equipment, training and experience of the user, and the operating or handling procedures; and
- (C) Review, approval, and recording by the radiation safety officer of safety evaluations of proposed uses prepared in accordance with item (3)(b)(ii)(B) of this section prior to use of the radioactive material.

(4) An application for a Type C specific license of broad scope will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 402-22-040.

(b) The applicant submits a statement that radioactive material will be used only by, or under the direct supervision of individuals, who have received:

(i) A college degree at the bachelor level, or equivalent training and experience, in the physical or biological sciences or in engineering; and

(ii) At least forty hours of training and experience in the safe handling of radioactive material, and in the characteristics of ionizing radiation, units of radiation dose and quantities, radiation detection instrumentation, and biological hazards of exposure to radiation appropriate to the type and forms of radioactive material to be used; and

(c) The applicant has established administrative controls and provisions relating to procurement of radioactive material, procedures, recordkeeping, material control and accounting, and management review necessary to assure safe operations.

(5) Specific licenses of broad scope are subject to the following conditions:

(a) Unless specifically authorized by the department, persons licensed pursuant to this section shall not:

(i) Conduct tracer studies in the environment involving direct release of radioactive material;

(ii) Receive, acquire, own, possess, use or transfer devices containing 100,000 curies or more of radioactive material in sealed sources used for irradiation of materials;

(iii) Conduct activities for which a specific license issued by the department under WAC 402-22-070 or 402-22-110 is required; or

(iv) Add or cause the addition of radioactive material to any food, beverage, cosmetic, drug or other product designed for ingestion or inhalation by, or application to, a human being.

(b) Each Type A specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety committee.

(c) Each Type B specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals approved by the licensee's radiation safety officer.

(d) Each Type C specific license of broad scope issued under this part shall be subject to the condition that radioactive material possessed under the license may only be used by, or under the direct supervision of, individuals who satisfy the requirements of subsection (4) of this section.

#### NEW SECTION

**WAC 402-22-110 SPECIAL REQUIREMENTS FOR A SPECIFIC LICENSE TO MANUFACTURE, ASSEMBLE, REPAIR, OR DISTRIBUTE COMMODITIES, PRODUCTS, OR DEVICES WHICH CONTAIN RADIOACTIVE MATERIAL.** (1) Licensing the introduction of radioactive material into products in exempt concentrations. In addition to the requirements set forth in WAC 402-22-040, a specific license authorizing the introduction of radioactive material into a product or material owned by or in the possession of the licensee or another to be transferred to persons exempt under WAC 402-19-190(2)(a) will be issued if:

(a) The applicant submits a description of the product or material into which the radioactive material will be introduced, intended use of the radioactive material and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer; and

(b) The applicant provides reasonable assurance that the concentrations of radioactive material at the time of transfer will not exceed the concentrations in WAC 402-19-580, Schedule C, that reconstruction of the radioactive material in concentrations exceeding those in WAC 402-19-580, Schedule C, is not likely, that use of lower concentrations is not feasible, and that the product or material is not likely to be incorporated in any food, beverage, cosmetic, drug or other commodity or product designed for ingestion or inhalation by, or application to a human being.

(c) Each person licensed under subsection (1) of this section shall file an annual report with the department which shall identify the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product and material, into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to subsection (1) of this section during the reporting period, the report shall so indicate. The report shall cover the year ending June 30, and shall be filed within thirty days thereafter.

(2) Licensing the distribution of radioactive material in exempt quantities.\*

\*NOTE: Authority to transfer possession or control by the manufacturer, processor or producer of any equipment, device, commodity or other product containing source material or byproduct material whose subsequent possession, use, transfer and disposal by all other persons who are exempted from regulatory requirements may be obtained only from the United States Nuclear Regulatory Commission, Washington, D.C. 20555.

(a) An application for a specific license to distribute naturally occurring and accelerator-produced radioactive material (NARM) to persons exempted from these regulations pursuant to WAC 402-19-190(2)(b) will be approved if:

(i) The radioactive material is not contained in any food, beverage, cosmetic, drug or other commodity designed for ingestion or inhalation by, or application to, a human being;

(ii) The radioactive material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and

(iii) The applicant submits copies of prototype labels and brochures and the department approves such labels and brochures.

(b) The license issued under paragraph (2)(a) of this section is subject to the following conditions:

(i) No more than ten exempt quantities shall be sold or transferred in any single transaction. However, an exempt quantity may be composed of fractional parts of one or more of the exempt quantity provided the sum of the fractions shall not exceed unity.

(ii) Each exempt quantity shall be separately and individually packaged. No more than ten such packaged exempt quantities shall be contained in any outer package for transfer to persons exempt pursuant to WAC 402-19-190(2)(b). The outer package shall be such that the dose rate at the external surface of the package does not exceed 0.5 millirem per hour.

(iii) The immediate container of each quantity or separately packaged fractional quantity of radioactive material shall bear a durable, legible label which:

(A) Identifies the radionuclide and the quantity of radioactivity; and

(B) Bears the words "Radioactive Material."

(iv) In addition to the labeling information required by item (2)(b)(iii) of this section, the label affixed to the immediate container, or an accompanying brochure, shall:

(A) State that the contents are exempt from Licensing State requirements;

(B) Bear the words "Radioactive Material—Not for Human Use—Introduction into Foods, Beverages, Cosmetics, Drugs, or Medicinals, or into Products Manufactured for Commercial Distribution is Prohibited—Exempt Quantities Should Not Be Combined"; and

(C) Set forth appropriate additional radiation safety precautions and instructions relating to the handling, use, storage and disposal of the radioactive material.

(c) Each person licensed under paragraph (2)(a) of this section shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under WAC 402-19-190(2)(b) or the equivalent regulations of a Licensing State, and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the department. Each report shall cover the year ending June 30, and shall be filed within thirty days thereafter. If no transfers of radioactive material have been made pursuant to subsection (2) of this section during the reporting period, the report shall so indicate.

(3) Licensing the incorporation of naturally occurring and accelerator-produced radioactive material into gas and aerosol detectors. An application for a specific license authorizing the incorporation of NARM into gas and aerosol detectors to be distributed to persons exempt under WAC 402-19-190(2)(c)(iii) will be approved if the application satisfies requirements equivalent to those contained in Section 32.26 of 10 CFR Part 32.

(4) Licensing the manufacture and distribution of devices to person generally licensed under WAC 402-21-050(4).

(a) An application for a specific license to manufacture or distribute devices containing radioactive material, excluding special nuclear material, to persons generally licensed under WAC 402-21-050(4) or equivalent regulations of the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State will be approved if:

(i) The applicant satisfies the general requirements of WAC 402-22-040;

(ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance that:

(A) The device can be safely operated by persons not having training in radiological protection;

(B) Under ordinary conditions of handling, storage and use of the device, the radioactive material contained in the device will not be released or inadvertently removed from the device, and it is unlikely that any person will receive in any period of one calendar quarter a dose in excess of ten percent of the limits specified in the table in WAC 402-24-020(1); and

(C) Under accident conditions (such as fire and explosion) associated with handling, storage and use of the device, it is unlikely that any person would receive an external radiation dose or dose commitment in excess of the following organ doses:

Whole body; head and trunk| 5 rems  
active blood-forming  
organs; gonads; or lens  
of eye

Hands and forearms; feet 200 rems  
and ankles; localized  
areas of skin averaged  
over areas no larger  
than one square centimeter

Other organs 50 rems

(iii) Each device bears a durable, legible, clearly visible label or labels approved by the department, which contain in a clearly identified and separate statement:

(A) Instructions and precautions necessary to assure safe installation, operation and servicing of the device (documents such as operating and service manuals may be identified in the label and used to provide this information);

(B) The requirement, or lack of requirement, for leak testing, or for testing any on-off mechanism and indicator, including the maximum time interval for such testing, and the identification of radioactive material by isotope, quantity of radioactivity, and date of determination of the quantity; and

(C) The information called for in one of the following statements, as appropriate, in the same or substantially similar form:

(aa) The receipt, possession, use and transfer of this device, Model . . . . ., Serial No. . . . . Note\*, are subject to a general license or the equivalent, and the regulations of the United States Nuclear Regulatory Commission or a state with which the United States Nuclear Regulatory Commission has entered into an agreement for the exercise of regulatory authority. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

**CAUTION - RADIOACTIVE MATERIAL**

.....  
(Name of manufacturer or distributor)\*

(bb) The receipt, possession, use and transfer of this device, Model . . . . ., Serial No. . . . . Note\*, are subject to a general license or the equivalent, and the regulations of a Licensing State. This label shall be maintained on the device in a legible condition. Removal of this label is prohibited.

## CAUTION - RADIOACTIVE MATERIAL

.....  
 (Name of manufacturer or distributor)\*

\*NOTE: The model, serial number, and name of the manufacturer or distributor may be omitted from this label provided the information is elsewhere specified in labeling affixed to the device.

(b) In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material or for both, he shall include in his application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features which have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the department will consider information which includes, but is not limited to:

- (i) Primary containment (source capsule);
- (ii) Protection of primary containment;
- (iii) Method of sealing containment;
- (iv) Containment construction materials;
- (v) Form of contained radioactive material;
- (vi) Maximum temperature withstood during prototype tests;
- (vii) Maximum pressure withstood during prototype tests;
- (viii) Maximum quantity of contained radioactive material;
- (ix) Radiotoxicity of contained radioactive material; and
- (x) Operating experience with identical devices or similarly designed and constructed devices.

(c) In the event the applicant desires that the general licensee under WAC 402-21-050(4), or under equivalent regulations of the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, he shall include in his application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a calendar quarter dose in excess of ten percent of the limits specified in the table in WAC 402-24-020(1).

(d) Each person licensed under paragraph (4)(a) of this section to distribute to generally licensed persons shall:

(i) Furnish a copy of the general license contained in WAC 402-21-050(4) to each person to whom the person directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in WAC 402-21-050(4);

(ii) Furnish a copy of the general license contained in the United States Nuclear Regulatory Commission's, Agreement State's, or Licensing State's regulation equivalent to WAC 402-21-050(4), or alternatively, furnish a copy of the general license contained in WAC 402-21-050(4) to each person to whom he directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the United States Nuclear Regulatory Commission, the Agreement State or the Licensing State. If a copy of the general license in WAC 402-21-050(4) is furnished to such a person, it shall be accompanied by a note explaining that the use of the device is regulated by the United States Nuclear Regulatory Commission, Agreement State or Licensing State under requirements substantially the same as those in WAC 402-21-050(4);

(iii) Report to the department all transfers of such devices to persons for use under the general license in WAC 402-21-050(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under WAC 402-21-050(4) during the reporting

period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within thirty days thereafter.

(iv) Reports to other departments.

(A) Report to the United States Nuclear Regulatory Commission all transfers of such devices to persons for use under the United States Nuclear Regulatory Commission general license in Section 31.5 of 10 CFR Part 31.

(B) Report to the responsible department all transfers of devices manufactured and distributed pursuant to subsection (4) of this section for use under a general license in that state's regulations equivalent to WAC 402-21-050(4).

(C) Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within thirty days after the end of each calendar quarter in which such a device is transferred to the generally licensed person.

(D) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission.

(E) If no transfers have been made to general licensees within a particular state during the reporting period, this information shall be reported to the responsible department upon request of the department.

(v) Keep records showing the name, address and the point of contact for each general licensee to whom the person directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in WAC 402-21-050(4), or equivalent regulations of the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State. The records shall show the date of each transfer, the radionuclide and the quantity of radioactivity in each device transferred, the identity of any intermediate person, and compliance with the report requirements of paragraph (4)(d) of this section.

(5) Special requirements for the manufacture, assembly or repair of luminous safety devices for use in aircraft. An application for a specific license to manufacture, assemble or repair luminous safety devices containing tritium or promethium-147 for use in aircraft for distribution to persons generally licensed under WAC 402-21-050(5) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements specified in WAC 402-22-040; and

(b) The applicant satisfies the requirements of Sections 32.53, 32.54, 32.55, 32.56, 32.101 of 10 CFR Part 32 or their equivalent.

(6) Special requirements for license to manufacture calibration sources containing americium-241, plutonium or radium-226 for distribution to persons generally licensed under WAC 402-21-050(7). An application for a specific license to manufacture calibration and reference sources containing americium-241, plutonium or radium-226 to persons generally licensed under WAC 402-21-050(7) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirement of WAC 402-22-040; and

(b) The applicant satisfies the requirements of Sections 32.57, 32.58, 32.59, 32.102 of 10 CFR Part 32 and Section 70.39 of 10 CFR Part 70 or their equivalent.

(7) Manufacture and distribution of radioactive material for medical use under general license. In addition to requirements set forth in WAC 402-22-040, a specific license authorizing the distribution of radioactive material for use by physicians under the general license in WAC 402-21-050(8) will be issued if:

(a) The applicant submits evidence that the radioactive material is to be manufactured, labeled, and packaged in accordance with a new drug application which the Commissioner of Food and Drugs, United States Food and Drug Administration, has approved, or in accordance with a license for a biologic product issued by the Secretary, Department of Health, Education, and Welfare; and

(b) One of the following statements, as appropriate, or a substantially similar statement which contains the information called for in

one of the following statements, appears on the label affixed to the container or appears in the leaflet or brochure which accompanies the package:

(i) This radioactive drug may be received, possessed and used only by physicians licensed (to dispense drugs) in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

.....  
Name of manufacturer

(ii) This radioactive drug may be received, possessed and used only by physicians licensed (to dispense drugs) in the practice of medicine. Its receipt, possession, use and transfer are subject to the regulations and a general license or its equivalent of a Licensing State.

.....  
Name of manufacturer

(8) Manufacture and distribution of radioactive material for certain in vitro clinical or laboratory testing under general license. An application for a specific license to manufacture or distribute radioactive material for use under the general license of WAC 402-21-050(9) will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 402-22-040;

(b) The radioactive material is to be prepared for distribution in prepackaged units of:

- (i) Iodine-125 in units not exceeding 10 microcuries each;
- (ii) Iodine-131 in units not exceeding 10 microcuries each;
- (iii) Carbon-14 in units not exceeding 10 microcuries each;
- (iv) Hydrogen-3 (tritium) in units not exceeding 50 microcuries each;

- (v) Iron-59 in units not exceeding 20 microcuries each;
- (vi) Cobalt-57 in units not exceeding 10 microcuries each;
- (vii) Selenium-75 in units not exceeding 10 microcuries each;
- (viii) Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each.

(c) Each prepackaged unit bears a durable, clearly visible label:

(i) Identifying the radioactive contents as to chemical form and radionuclide, and indicating that the amount of radioactivity does not exceed 10 microcuries of iodine-125, iodine-131, carbon-14, cobalt-57, or selenium-75; 50 microcuries of hydrogen-3 (tritium); 20 microcuries of iron-59; or Mock Iodine-125 in units not exceeding 0.05 microcurie of iodine-129 and 0.005 microcurie of americium-241 each; and

(ii) Displaying the radiation caution symbol described in WAC 402-24-090(1)(a) and the words, "CAUTION, RADIOACTIVE MATERIAL", and "Not for Internal or External Use in Humans or Animals".

(d) One of the following statements, as appropriate, or a substantially similar statement which contains the information called for in one of the following statements, appears on a label affixed to each prepackaged unit or appears in a leaflet or brochure which accompanies the package:

(i) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of the United States Nuclear Regulatory Commission or of a state with which the Commission has entered into an agreement for the exercise of regulatory authority.

.....  
Name of manufacturer

(ii) This radioactive material may be received, acquired, possessed and used only by physicians, veterinarians, clinical laboratories or hospitals and only for in vitro clinical or laboratory tests not involving internal or external administration of the material, or the radiation therefrom, to human beings or animals. Its receipt, acquisition, possession, use and transfer are subject to the regulations and a general license of a Licensing State.

.....  
Name of manufacturer

(e) The label affixed to the unit, or the leaflet or brochure which accompanies the package, contains adequate information as to the precautions to be observed in handling and storing such radioactive material. In the case of the Mock Iodine-125 reference or calibration source, the information accompanying the source must also contain directions to the licensee regarding the waste disposal requirements set out in WAC 402-24-130 of these regulations.

(9) Licensing the manufacture and distribution of ice detection devices. An application for a specific license to manufacture and distribute ice detection devices to persons generally licensed under WAC 402-21-050(10) will be approved subject to the following conditions:

(a) The applicant satisfies the general requirements of WAC 402-22-040; and

(b) The criteria of Sections 32.61, 32.62, 32.103 of 10 CFR Part 32 are met.

(10) Manufacture and distribution of radiopharmaceuticals containing radioactive material for medical use under group licenses. An application for a specific license to manufacture and distribute radiopharmaceuticals containing radioactive material for use by persons licensed pursuant to WAC 402-22-070(3) for the uses listed in Group I, Group II, Group IV, or Group V of WAC 402-22-200, Schedule A, will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 402-22-040 of this part;

(b) The applicant submits evidence that:

(i) The radiopharmaceutical containing radioactive material will be manufactured, labeled and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the United States Food and Drug Administration (FDA), a biologic product license issued by FDA or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) that has been accepted by the FDA; or

(ii) The manufacture, compounding and distribution of the radiopharmaceutical containing radioactive material is not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act except for Sections 501, 502, and 704 of the Food, Drug and Cosmetic Act which deal with adulteration, misbranded drugs and records inspection, respectively. Nuclear pharmacies licensed by the state board of pharmacy, or nuclear physicians licensed by the state board of medical examiners are, for the purpose of this regulation, not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act;

(c) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material which is appropriate for safe handling and storage of radiopharmaceuticals by group licensees; and

(d) The label affixed to each package of the radiopharmaceutical contains information on the radionuclide, quantity and date of assay, and the label affixed to each package, or the leaflet or brochure which accompanies each package, contains a statement that the radiopharmaceutical is licensed by the department for distribution to persons licensed pursuant to WAC 402-22-070(3) and 402-22-200 Schedule A, Group I, Group II, Group IV, and Group V, as appropriate, or under equivalent regulations of the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by subsection (10) of this section are in addition to the labeling required by the Food and Drug Administration (FDA) and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

(11) Manufacture and distribution of generators or reagent kits for preparation of radiopharmaceuticals containing radioactive material. An application for a specific license to manufacture and distribute generators or reagent kits containing radioactive material for preparation of radiopharmaceuticals by persons licensed pursuant to WAC 402-22-070(3) for the uses listed in Group III of WAC 402-22-200, Schedule A will be approved if:

(a) The applicant satisfies the general requirements specified in WAC 402-22-040;

(b) The applicant submits evidence that:

(i) The generator or reagent kit is to be manufactured, labeled and packaged in accordance with the Federal Food, Drug and Cosmetic Act or the Public Health Service Act, such as a new drug application (NDA) approved by the Food and Drug Administration (FDA), a biologic product license issued by FDA, or a "Notice of Claimed Investigational Exemption for a New Drug" (IND) that has been accepted by the FDA; or

(ii) The manufacture and distribution of the generator or reagent kit are not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act except for Sections 501, 502 and 704 of the Food, Drug and Cosmetic Act which deal with adulteration, misbranded drugs and records inspection, respectively. Nuclear pharmacies licensed by the state board of pharmacy, or nuclear physicians licensed by the state board of medical examiners are, for the purpose of this regulation, not subject to the Federal Food, Drug and Cosmetic Act and the Public Health Service Act;

(c) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging of the radioactive material contained in the generator or reagent kit;

(d) The label affixed to the generator or reagent kit contains information on the radionuclide, quantity, and date of assay; and

(e) The label affixed to the generator or reagent kit, or the leaflet or brochure which accompanies the generator or reagent kit, contains:

(i) Adequate information, from a radiation safety standpoint, on the procedures to be followed and the equipment and shielding to be used in eluting the generator or processing radioactive material with the reagent kit; and

(ii) A statement that this generator or reagent kit (as appropriate) is approved for use by persons licensed by the department pursuant to WAC 402-22-070(3) and Group III of WAC 402-22-200, Schedule A, or under equivalent regulations of the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State. The labels, leaflets or brochures required by subsection (11) of this section are in addition to the labeling required by FDA and they may be separate from or, with the approval of FDA, may be combined with the labeling required by FDA.

**NOTE:** Although the department does not regulate the manufacture and distribution of reagent kits that do not contain radioactive material, it does regulate the use of such reagent kits for the preparation of radiopharmaceuticals containing radioactive material as part of its licensing and regulation of the users of radioactive material. Any manufacturer of reagent kits that do not contain radioactive material who desires to have his reagent kits approved by the department for use by persons licensed pursuant to WAC 402-22-070(3) and Group III of WAC 402-22-200 Schedule A may submit the pertinent information specified in subsection (11) of this section.

(12) Manufacture and distribution of sources or devices containing radioactive material for medical use. An application for a specific license to manufacture and distribute sources and devices containing radioactive material to persons licensed pursuant to WAC 402-22-070(3) for use as a calibration or reference source or for the uses listed in Group VI of WAC 402-22-200 Schedule A of this part will be approved if:

(a) The applicant satisfies the general requirements in WAC 402-22-040 of this part;

(b) The applicant submits sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

(i) The radioactive material contained, its chemical and physical form and amount;

(ii) Details of design and construction of the source or device;

(iii) Procedures for, and results of, prototype tests to demonstrate that the source or device will maintain its integrity under stresses likely to be encountered in normal use and accidents;

(iv) For devices containing radioactive material, the radiation profile of a prototype device;

(v) Details of quality control procedures to assure that production sources and devices meet the standards of the design and prototype tests;

(vi) Procedures and standards for calibrating sources and devices;

(vii) Legend and methods for labeling sources and devices as to their radioactive content; and

(viii) Instructions for handling and storing the source or device from the radiation safety standpoint, these instructions are to be included on a durable label attached to the source or device or attached to a permanent storage container for the source or device: PROVIDED, That instructions which are too lengthy for such label may be summarized on the label and printed in detail on a brochure which is referenced on the label.

(c) The label affixed to the source or device, or to the permanent storage container for the source or device, contains information on the

radionuclide, quantity and date of assay, and a statement that the named source or device is licensed by the department for distribution to persons licensed pursuant to WAC 402-22-070(3) and Group VI of WAC 402-22-200 Schedule A or under equivalent regulations of the United States Nuclear Regulatory Commission, an Agreement State or a Licensing State: PROVIDED, That such labeling for sources which do not require long term storage (e.g., gold-198 seeds) may be on a leaflet or brochure which accompanies the source.

(d) In the event the applicant desires that the source or device be required to be tested for leakage of radioactive material at intervals longer than six months, the applicant shall include in the application sufficient information to demonstrate that such longer interval is justified by performance and characteristics of the source or device or similar sources or devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the source.

(e) In determining the acceptable interval for test of leakage of radioactive material, the department will consider information that includes, but is not limited to:

(i) Primary containment (source capsule);

(ii) Protection of primary containment;

(iii) Method of sealing containment;

(iv) Containment construction materials;

(v) Form of contained radioactive material;

(vi) Maximum temperature withstood during prototype tests;

(vii) Maximum pressure withstood during prototype tests;

(viii) Maximum quantity of contained radioactive material;

(ix) Radiotoxicity of contained radioactive material; and

(x) Operating experience with identical sources or devices or similarly designed and constructed sources or devices.

(13) Requirements for license to manufacture and distribute industrial products containing depleted uranium for mass-volume applications.

(a) An application for a specific license to manufacture industrial products and devices containing depleted uranium for use pursuant to WAC 402-21-030(4) or equivalent regulations of the United States Nuclear Regulatory Commission or an Agreement State will be approved if:

(i) The applicant satisfies the general requirements specified in WAC 402-22-040;

(ii) The applicant submits sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses and potential hazards of the industrial product or device to provide reasonable assurance that possession, use or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of one calendar quarter a radiation dose in excess of ten percent of the limits specified in WAC 402-24-020(1); and

(iii) The applicant submits sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device.

(b) In the case of an industrial product or device whose unique benefits are questionable, the department will approve an application for a specific license under subsection (13) of this section only if the product or device is found to combine a high degree of utility and low probability of uncontrolled disposal and dispersal of significant quantities of depleted uranium into the environment.

(c) The department may deny any application for a specific license under subsection (13) of this section if the end use(s) of the industrial product or device cannot be reasonably foreseen.

(d) Each person licensed pursuant to paragraph (13)(a) of this section shall:

(i) Maintain the level of quality control required by the license in the manufacture of the industrial product or device, and in the installation of the depleted uranium into the product or device;

(ii) Label or mark each unit to:

(A) Identify the manufacturer of the product or device and the number of the license under which the product or device was manufactured, the fact that the product or device contains depleted uranium, and the quantity of depleted uranium in each product or device; and

(B) State that the receipt, possession, use and transfer of the product or device are subject to a general license or the equivalent and the regulations of the United States Nuclear Regulatory Commission or of an Agreement State;



(iii) Assure that the depleted uranium before being installed in each product or device has been impressed with the following legend clearly legible through any plating or other covering: "Depleted Uranium";

(iv) Furnish to each person to whom depleted uranium in a product or device is transferred for use pursuant to the general license contained in WAC 402-21-030(4) or its equivalent:

(A) A copy of the general license contained in WAC 402-21-030(4) and a copy of Department Form RHF-21; or

(B) A copy of the general license contained in the United States Nuclear Regulatory Commission's or Agreement State's regulation equivalent to WAC 402-21-030(4) and a copy of the United States Nuclear Regulatory Commission's or Agreement State's certificate, or alternatively, furnish a copy of the general license contained in WAC 402-21-030(4) and a copy of Department Form RHF-21 with a note explaining that use of the product or device is regulated by the United States Nuclear Regulatory Commission or an Agreement State under requirements substantially the same as those in WAC 402-21-030(4).

(v) Report to the department all transfers of industrial products or devices to persons for use under the general license in WAC 402-21-030(4). Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quality of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under chapter 402-21 WAC during the reporting period, the report shall so indicate;

(vi) Provide certain other reports as follows:

(A) Report to the United States Nuclear Regulatory Commission all transfers of industrial products or devices to persons for use under the United States Nuclear Regulatory Commission general license in Section 40.25 of 10 CFR Part 40;

(B) Report to the responsible department all transfers of devices manufactured and distributed pursuant to subsection (13) of this section for use under a general license in that state's regulations equivalent to WAC 402-21-030(4);

(C) Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of the device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within thirty days after the end of each calendar quarter in which such product or device is transferred to the generally licensed person;

(D) If no transfers have been made to United States Nuclear Regulatory Commission licensees during the reporting period, this information shall be reported to the United States Nuclear Regulatory Commission;

(E) If no transfers have been made to general licensees within a particular Agreement State during the reporting period, this information shall be reported to the responsible department; and

(vii) Keep records showing the name, address and point of contact for each general licensee to whom the person transfers depleted uranium in industrial products or devices for use pursuant to the general license provided in WAC 402-21-030(4) or equivalent regulations of the United States Nuclear Regulatory Commission or of an Agreement State. The records shall be maintained for a period of two years and shall show the date of each transfer, the quantity of depleted uranium in each product or device transferred, and compliance with the report requirements of this section.

(14) Repackaging and distribution of radioactive material and reagent kits for medical use.\*

An application for a specific license to repackage and distribute radioactive material for medical use and reagent kits for the preparation of radiopharmaceuticals will be approved if:

(a) Applicant satisfies general requirements in WAC 402-22-040;

(b) The applicant submits evidence that:

(i) Radioactive material to be repackaged is obtained only from elution of an NDA approved radionuclide generator;

(ii) The packaging of other radioactive material will not be violated prior to distribution;

(iii) Reagent kits for the preparation of radiopharmaceuticals will be obtained only as NDA approved products or from a licensed nuclear pharmacy;

(iv) The packaging of reagent kits will not be violated prior to distribution;

(v) Only sterile, pyrogen-free containers, syringes, needles, filters, etc., will be used in the repackaging operation.

(c) The applicant submits information on the radionuclide, chemical and physical form, packaging including maximum activity per package, and shielding provided by the packaging which is appropriate for safe handling and storage of the radioactive material or prepared radiopharmaceutical.

\*NOTE: The "good neighbor" transfer of radioactive material or reagent kits is excluded from this licensing requirement provided such transfers are for the emergency replacement of radioactive material which is otherwise not available due to transportation or supplier difficulties and is not provided as a cost-sharing procedure.

#### NEW SECTION

WAC 402-22-200 SCHEDULE A GROUPS OF MEDICAL USES OF RADIOACTIVE MATERIAL (REF. WAC 402-22-070(3) AND 402-22-110(10)). (1) Group I. Use of prepared radiopharmaceuticals for certain diagnostic studies involving measurements of uptake, dilution and excretion. This group does not include imaging or localization studies.

(a) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution or excretion for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New Drug Application" (NDA) is in effect.

(b) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving measurements of uptake, dilution or excretion which has been compounded, prepared and distributed by a nuclear pharmacy licensed by the state board of pharmacy and this department.

(c) The provisions of paragraphs (1)(a) and (b) of this section notwithstanding, no radioactive material in gaseous form or for use as an aerosol is permitted by this subsection except as specifically authorized in a license.

(2) Group II. Use of prepared radiopharmaceuticals for diagnostic imaging and localization studies.

(a) Any radioactive material in a radiopharmaceutical prepared from a reagent kit authorized in subsection (3) of this section which has been prepared and distributed by a nuclear pharmacy licensed by the state board of pharmacy and this department;

(b) Any radioactive material in a radiopharmaceutical and for a diagnostic use involving imaging or localizing for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New Drug Application" (NDA) is in effect;

(c) The provisions of paragraphs (2)(a) and (b) of this section notwithstanding, no radioactive material in gaseous form or for use as an aerosol is permitted by this subsection except as specifically authorized in a license.

(3) Group III. Use of generators and reagent kits for the preparation and use of radiopharmaceuticals containing radioactive material for diagnostic imaging and localization studies.

(a) Any generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for which generator or reagent kit a "Notice of Claimed Investigational Exemption of a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New Drug Application" (NDA) is in effect.

(b) Any reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material which has been compounded, prepared and distributed by a nuclear pharmacy licensed by the state board of pharmacy and this department.

(c) The provisions of paragraphs (3)(a) and (b) of this section notwithstanding, no generator or reagent kit is authorized for preparation of any gaseous form or aerosol of a radioactive material, except as specifically authorized in a license.



(4) Group IV. Use of prepared radiopharmaceuticals for certain therapeutic uses that do not normally require hospitalization for purposes of radiation safety.

(a) Iodine-131 as iodide for treatment of hyperthyroidism and cardiac dysfunction;

(b) Phosphorus-32 as soluble phosphate for treatment of polycythemia vera, leukemia and bone metastases;

(c) Phosphorus-32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions;

(d) Any radioactive material in a radiopharmaceutical and for a therapeutic use not normally requiring hospitalization for purposes of radiation safety for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New Drug Application" (NDA) is in effect.

(5) Group V. Use of prepared radiopharmaceuticals for certain therapeutic uses that normally require hospitalization for purposes of radiation safety.

(a) Gold-198 as colloid for intracavitary treatment of malignant effusions;

(b) Iodine-131 as iodide for treatment of thyroid carcinoma;

(c) Any radioactive material in a radiopharmaceutical and for a therapeutic use normally requiring hospitalization for radiation safety reasons for which a "Notice of Claimed Investigational Exemption for a New Drug" (IND) has been accepted by the Food and Drug Administration (FDA) or for which a "New Drug Application" (NDA) is in effect.

(6) Group VI. Use of sources and devices containing radioactive material for certain medical uses.

(a) Americium-241 as a sealed source in a device for bone mineral analysis;

(b) Cesium-137 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(c) Cobalt-60 encased in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(d) Gold-198 as seeds for interstitial treatment of cancer;

(e) Iodine-125 as a sealed source in a device for bone mineral analysis;

(f) Iridium-192 as seeds encased in nylon ribbon for interstitial treatment of cancer;

(g) Strontium-90 sealed in an applicator for treatment of superficial eye conditions; and

(h) Iodine-125 as seeds for interstitial treatment of cancer.

**NEW SECTION**

WAC 402-22-250 SCHEDULE B, LIMITS FOR BROAD LICENSES. (See also WAC 402-22-090)

RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Antimony-122	1	0.01
Antimony-124	1	0.01
Antimony-125	1	0.01
Arsenic-73	10	0.1
Arsenic-74	1	0.01
Arsenic-76	1	0.01
Arsenic-77	10	0.1
Barium-131	10	0.1
Barium-140	1	0.01
Beryllium-7	10	0.1
Bismuth-210	0.1	0.001
Bromine-82	10	0.1
Cadmium-109	1	0.01
Cadmium-115m	1	0.01
Cadmium-115	10	0.1
Calcium-45	1	0.01
Calcium-47	10	0.1
Carbon-14	100	1.
Cerium-141	10	0.1
Cerium-143	10	0.1
Cerium-144	0.1	0.001
Cesium-131	100	1.
Cesium-134m	100	1.
Cesium-134	0.1	0.001
Cesium-135	1	0.01
Cesium-136	10	0.1
Cesium-137	0.1	0.001
Chlorine-36	1	0.01
Chlorine-38	100	1.
Chromium-51	100	1.

RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Cobalt-57	10	0.1
Cobalt-58m	100	1.
Cobalt-58	1	0.01
Cobalt-60	0.1	0.001
Copper-64	10	0.1
Dysprosium-165	100	1.
Dysprosium-166	10	0.1
Erbium-169	10	0.1
Erbium-171	10	0.1
Europium-152 (9.2h)	10	0.1
Europium-152 (13 y)	0.1	0.001
Europium-154	0.1	0.001
Europium-155	1	0.01
Fluorine-18	100	1.
Gadolinium-153	1	0.01
Gadolinium-159	10	0.1
Gallium-72	10	0.1
Germanium-71	100	1.
Gold-198	10	0.1
Gold-199	10	0.1
Hafnium-181	1	0.01
Holmium-166	10	0.1
Hydrogen-3	100	1.
Indium-113m	100	1.
Indium-114m	1	0.01
Indium-115m	100	1.
Indium-115	1	0.01
Iodine-125	0.1	0.001
Iodine-126	0.1	0.001
Iodine-129	0.1	0.001
Iodine-131	0.1	0.001
Iodine-132	10	0.1
Iodine-133	1	0.01
Iodine-134	10	0.1
Iodine-135	1	0.01
Iridium-192	1	0.01
Iridium-194	10	0.1
Iron-55	10	0.1
Iron-59	1	0.01
Krypton-85	100	1.
Krypton-87	10	0.1
Lanthanum-140	1	0.01
Lutetium-177	10	0.1
Manganese-52	1	0.01
Manganese-54	1	0.01
Manganese-56	10	0.1
Mercury-197m	10	0.1
Mercury-197	10	0.1
Mercury-203	1	0.01
Molybdenum-99	10	0.1
Neodymium-147	10	0.1
Neodymium-149	10	0.1
Nickel-59	10	0.1
Nickel-63	1	0.01
Nickel-65	10	0.1
Niobium-93m	1	0.01
Niobium-95	1	0.01
Niobium-97	100	1.
Osmium-185	1	0.01
Osmium-191m	100	1.
Osmium-191	10	0.1
Osmium-193	10	0.1
Palladium-103	10	0.1
Palladium-109	10	0.1
Phosphorus-32	1	0.01
Platinum-191	10	0.1
Platinum-193m	100	1.
Platinum-193	10	0.1
Platinum-197m	100	1.
Platinum-197	10	0.1
Polonium-210	0.01	0.0001
Potassium-42	1	0.01
Praseodymium-142	10	0.1
Praseodymium-143	10	0.1
Promethium-147	1	0.01
Promethium-149	10	0.1
Radium-226	0.01	0.0001
Rhenium-186	10	0.1
Rhenium-188	10	0.1
Rhodium-103m	1,000	10.
Rhodium-105	10	0.1
Rubidium-86	1	0.01
Rubidium-87	1	0.01
Ruthenium-97	100	1.
Ruthenium-103	1	0.01
Ruthenium-105	10	0.1

RADIOACTIVE MATERIAL	COL. I CURIES	COL. II CURIES
Ruthenium-106	0.1	0.001
Samarium-151	1	0.01
Samarium-153	10	0.1
Scandium-46	1	0.01
Scandium-47	10	0.1
Scandium-48	1	0.01
Selenium-75	1	0.01
Silicon-31	10	0.1
Silver-105	1	0.01
Silver-110m	0.1	0.001
Silver-111	10	0.1
Sodium-22	0.1	0.001
Sodium-24	1	0.01
Strontium-85m	1,000	10.
Strontium-85	1	0.01
Strontium-89	1	0.01
Strontium-90	0.01	0.0001
Strontium-91	10	0.1
Strontium-92	10	0.1
Sulphur-35	10	0.1
Tantalum-182	1	0.01
Technetium-96	10	0.1
Technetium-97m	10	0.1
Technetium-97	10	0.1
Technetium-99m	100	1.
Technetium-99	1	0.01
Tellurium-125m	1	0.01
Tellurium-127m	1	0.01
Tellurium-127	10	0.1
Tellurium-129m	1	0.01
Tellurium-129	100	1.
Tellurium-131m	10	0.1
Tellurium-132	1	0.01
Terbium-160	1	0.01
Thallium-200	10	0.1
Thallium-201	10	0.1
Thallium-202	10	0.1
Thallium-204	1	0.01
Thulium-170	1	0.01
Thulium-171	1	0.01
Tin-113	1	0.01
Tin-125	1	0.01
Tungsten-181	1	0.01
Tungsten-185	1	0.01
Tungsten-187	10	0.1
Vanadium-48	1	0.01
Xenon-131m	1,000	10.
Xenon-133	100	1.
Xenon-135	100	1.
Ytterbium-175	10	0.1
Yttrium-90	1	0.01
Yttrium-91	1	0.01
Yttrium-92	10	0.1
Yttrium-93	1	0.01
Zinc-65	1	0.01
Zinc-69m	10	0.1
Zinc-69	100	1.
Zirconium-93	1	0.01
Zirconium-95	1	0.01
Zirconium-97	1	0.01
Any radioactive material other than source material, special nuclear material, or alpha emitting radioactive material not listed above.	0.1	0.001

impact statement or final declaration of nonsignificance must accompany or precede the license renewal.

AMENDATORY SECTION (Amending Order 1095, filed 2/6/76)

WAC 402-52-010 URANIUM AND THORIUM MILL TAILING PILES AND PONDS—CONTROL. All uranium and thorium mill tailing piles and ponds shall be controlled in the following manner:

(1) Access to the pile area shall be controlled by the operator or owner and properly posted.

(2) The pile shall be maintained in such a manner that hazardous erosion of, or environmental hazard from, radioactive materials does not occur.

(3) ((New)) Tailing piles shall be ~~((a)) located in areas of low population; (b) removed from wet or dry water courses unless adequate provisions are made for preventing surface run-off water from entering or eroding embankments; (c) sufficiently removed from permanent water courses to avoid contamination in event of flooding or failure of embankments; (d) sufficiently removed from water supplies to avoid seepage or contamination; and (e))~~ surrounded by a fence of sufficient size and strength to prevent range animals from gaining entry.

(4) Tailings should be stabilized as much as practicably achievable during operation to preclude off-site hazards and to minimize the extent of final stabilization.

(5) All plans for stabilization of mill tailings shall be submitted to the department for review prior to construction. The department may, however, require further controls at a future date after approval of such plans.

(6) The operator or owner shall cause regular monitoring of the milling site, the mill tailings, and adjacent ((ground and surface waters to be made)) areas to be made to determine environmental concentration of radioactive materials. The tailings pile or pond and associated diversion channels shall be inspected regularly to assure continued integrity of the stabilization or impoundment system and also immediately following any natural or man-made occurrence which could affect the integrity of the stabilization or effectiveness of the diversion channel. Maintenance needed to restore the system or diversion channels to their original effectiveness shall be performed as soon as possible. Records shall be maintained of all monitoring, inspection, and maintenance activities connected with this requirement.

(7) ~~((The owner of the tailing pile site shall give the Department written notice thirty (30) days in advance of any contemplated transfer of right, title or interest in the site by deed, lease, or other conveyance. The written notice shall contain the name and address of the proposed purchaser or transferee. Prior written approval of the Department shall be obtained before the surface area of the land shall be put to use and it shall have been determined that the radiation dosage to the public resulting from the proposed use does not exceed 0.5 rem per year to the whole body.)) Steps should be taken to control dusting from dry surfaces of the tailings impoundment area or storage areas so as to keep releases of airborne radioactive effluents as low as is reasonably achievable below the limits specified in chapter 402-24 WAC.~~

(8) With the exception of use at a mill or for reprocessing at the site or another location, prior written approval of the Department must be obtained before any tailings material is removed from any active or inactive mill.

(9) The department may waive individual requirements in regard to stabilization or utilization of tailings material if it can be shown that they are unnecessary or impracticable in specific areas.

NEW SECTION

WAC 402-52-015 PROPOSED TAILING DISPOSAL FACILITIES. (1) New tailing piles shall be located in areas of low population. Consideration should be given to the utilization of existing large tailings piles for the disposal of waste from small operations such as in-situ extraction or heap leaching.

(2) The site shall be located such that disruption and dispersion by natural forces are eliminated or reduced to the maximum extent reasonably achievable. In particular, the site should be:

(a) Removed from set or dry water courses and located in an area with minimal upstream drainage with adequate provisions made for preventing surface run-off water from entering or eroding embankments;

(b) Sufficiently removed from permanent water courses to avoid contamination in event of flooding or failure of embankments;

(c) Sufficiently removed from water supplies to avoid seepage or contamination;

Chapter 402-52 WAC  
~~((STABILIZATION OF))~~ URANIUM AND/OR THORIUM  
MILL OPERATION AND STABILIZATION OF MILL TAILING  
PILES

NEW SECTION

WAC 402-52-005 RECLAMATION AND DECOMMISSIONING. A specific plan for reclamation and disposal of tailings and for decommissioning the site of uranium or thorium milling operations shall be included as part of the proposed action assessed under SEPA regulations and guidelines as required by WAC 402-22-070(6)(a) for licensing of environmentally significant operations. For any uranium or thorium mill in operation on or before the effective date of this regulation for which a plan for reclamation and disposal of tailings and decommissioning of the site has not been submitted and assessed, such a plan must be submitted to the department and a final environmental

(d) Provided with upstream rainfall catchment areas or diversion channels to minimize or divert the maximum possible flooding; and

(e) Located where the topography provides good wind protection.

(3) The tailing shall be disposed below grade except where it can be demonstrated that an above-grade disposal program will provide reasonably equivalent isolation of the tailings from natural erosional forces.

(4) A tailings impoundment shall not be located near a potentially active fault that could cause a maximum credible earthquake larger than that which the impoundment could reasonably be expected to withstand.

(5) The tailings impoundment should be designed to incorporate features which will promote deposition enhancing the thickness of the impoundment structure.

(6) Steps shall be taken to reduce seepage of toxic material into groundwater by:

(a) Lining the tailings impoundment area;

(b) Reducing the inventory of liquid in the impoundment by such means as dewatering and/or recycling water from the tailings impoundment to the mill;

(c) Neutralization of the tailings to promote immobilization of toxic materials; and/or

(d) Lining and/or compaction of ore storage areas.

(7) Preoperational monitoring shall be conducted for at least one full year prior to any major site construction.

(8) The requirements of WAC 402-52-010 and 402-52-020 shall also be met.

#### AMENDATORY SECTION (Amending Order 1095, filed 2/6/76)

WAC 402-52-020 INACTIVE MILLS—STABILIZATION PROCEDURES. All uranium mill tailing piles and ponds from inactive mills shall be stabilized prior to termination of the license such that ongoing active maintenance is not necessary to preserve isolation in the following manner:

(1) Ponds shall be drained and covered with materials that prevent wind erosion. ~~((Water))~~ Liquid drained from the ponds shall be disposed of in compliance with WAC 402-24-220, Appendix A, Table II, Col. 2.

(2) Taking into consideration the types of materials at each site, piles shall be leveled and graded so that there is, insofar as possible, a gradual slope to ensure that there shall be no low places on the pile where water might collect. Side slopes shall be stabilized by riprap, dikes, reduction of grades, vegetation, or any other method or combination of methods that will ensure stabilization. Sufficient natural cover, but not less than three meters, shall be placed over tailings or wastes at the end of milling operations to result in a calculated reduction in surface exhalation of radon from the tailings or waste to less than two picocuries per square meter per second above natural background levels. Direct gamma exposure from the tailings or waste should be reduced to background levels. Plastic or other synthetic caps should not be used to reduce radon exhalation from the tailings or waste. Material used for cover must be essentially the same as far as radioactivity is concerned, as that of surrounding soils.

(3) If pile edges are adjacent to a river, creek gulch or other watercourse that might reasonably be expected to erode the edges during periods of high water, the exposed slopes shall be stabilized and the edges shall be diked and riprapped sufficiently to prevent erosion of the pile.

(4) Drainage ditches shall be provided around the pile edges sufficient to prevent surface runoff water from neighboring land from reaching and eroding the pile.

(5) The pile shall be stabilized against wind and water erosion. The method of stabilization may consist of vegetation or a cover of soil, soil containing rock or stone, rock or stone, cement or concrete products, petroleum products, or any other soil stabilization material presently recognized or which may be recognized in the future, or any combination of the foregoing as may be required for proper protection from wind, or water erosion.

(6) Where vegetation is used for pile stabilization, sufficient topsoil shall be placed to prevent plant uptake of the radioactive materials contained in the pile.

(7) The requirements of WAC 402-52-010 shall also be met.

#### NEW SECTION

WAC 402-52-025 MILLING OPERATIONS. (1) Milling operations shall be conducted so as to avoid site contamination and so that

all airborne effluent releases are reduced to as low as is reasonably achievable below the limits specified in chapter 402-24 WAC.

(2) Yellowcake drying and packaging operations should cease when effluent control devices are inoperative or not working at their reasonably expected best performance levels.

(3) The licensee shall have written operating procedures documenting steps to be taken to control dusting from the tailings pile and ore storage areas, and steps to be taken when effluent control devices are inoperative or not working at their reasonably expected best performance levels.

#### Chapter 402-70 WAC SCHEDULE OF FEES

#### NEW SECTION

WAC 402-70-010 PURPOSE AND SCOPE. This chapter establishes fees charged for licensing and inspection services rendered by the Radiation Control Program as authorized under section 3, chapter 110, Laws of 1979 1st ex. sess. These fees apply to owners and operators of uranium or thorium milling operations and their associated tailings or waste.

#### NEW SECTION

WAC 402-70-020 DEFINITIONS. As used in this chapter, the following definitions apply:

(1) "Administrative amendment" means one that is routine in nature or has no health, safety or environmental significance.

(2) "Application" means a completed RHF-1 or equivalent with supporting documentation requesting the department to grant authority to receive, possess, use, transfer, own or acquire radioactive materials.

(3) "Department" means the department of social and health services which has been designated as the state radiation control agency.

(4) "Inspection" means an official examination or observation by the department including but not limited to tests, surveys and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

(5) "License" means a license issued by the department in accordance with the regulations adopted by the department.

(6) "Major amendment" means one requiring evaluation of many aspects of licensed activities where the proposed action could present a potential risk to the public health and safety or which requires an environmental impact statement.

(7) "Minor amendment" means one where health, safety or environmental considerations may be easily resolved or an environmental impact statement is not required.

#### NEW SECTION

WAC 402-70-030 PAYMENT OF FEES. (1) Application fees: Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. No application will be processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. All application fees will be charged irrespective of the department's disposition of the application or of a withdrawal of the application.

(2) License fees: A fee to cover the cost of the independent environmental assessment plus any cost of an extensive program review not covered by the application fee will be payable upon notification by the department when the review of the project is complete. The license fee will not exceed that specified in WAC 402-70-070. The fee must be received prior to issuance of the license.

(3) Amendment fees: The appropriate amendment fees shall accompany the application for amendment. The department will examine the expenditures for professional manpower and appropriate support services and will, where applicable, refund any overcharges or bill the applicant for the additional amendment fee. In no event will the fee exceed that specified in WAC 402-70-070(1). The fee for administrative amendments is a fixed charge. Unilateral amendments or amendments which result from written department requests may be exempted from these fees at the discretion of the department when the amendment is issued for the convenience of the department.

(4) Renewal fees: The renewal fee shall accompany the renewal application. Upon completion of the program review, the department will examine the expenditures for professional manpower and appropriate support services and will, where applicable, refund any overcharges.

(5) **Inspection fees:** An annual fee shall be charged to cover the cost of inspections for determining compliance with the provisions of the license including the manpower, laboratory and support services costs associated with the routine environmental monitoring undertaken. The department will examine the expenditures for professional manpower and appropriate support services and will, when applicable, refund any overcharges. In no event will the annual fee exceed that specified in WAC 402-70-070(2).

**NEW SECTION**

**WAC 402-70-050 METHOD OF PAYMENT.** (1) Fee payments shall be by check, draft or money order made payable to the department of social and health services.

(2) Fees are due and payable upon submission of the application for license, license renewal or amendment, or upon notification by the department.

(3) The provisions of subsection (2) of this section notwithstanding, the department may enter into an agreement with any applicant or licensee to prorate any or all fees which may be required on whatever frequency or payment schedule which may be mutually satisfactory. Such agreement may provide for adjustments in the amount of the periodic payments to compensate for actual costs to the department for program review. The agreement shall be renewed in conjunction with each license renewal.

**NEW SECTION**

**WAC 402-70-070 FEES FOR LICENSING AND COMPLIANCE ACTIONS.** (1) Licenses specifically authorizing the receipt, possession or use of natural uranium and its decay daughters for the extraction of uranium or thorium compound and for the reclamation and disposal of the associated tailings or waste shall be subject to the following fees for the listed licensing actions.

- (a) Application fee \$27,000
- (b) License fee \$165,000
- (c) Amendment fee
  - Major \$10,000
  - Minor \$ 800
  - Administrative \$ 85
- (d) Renewal fee \$10,000

(2) Licenses specifically authorizing the receipt, possession, or use of natural uranium and its decay daughters for the extraction of uranium or thorium compound and for the reclamation and disposal of the associated tailings or waste shall be subject to an annual inspection fee of ninety thousand dollars to cover the cost of monitoring for compliance with the terms and conditions of the license.

**NEW SECTION**

**WAC 402-70-090 FAILURE BY APPLICANT OR LICENSEE TO PAY PRESCRIBED FEES.** In any case where the department finds that an applicant or a licensee has failed to pay a prescribed fee required by this chapter, the department will not process any application and may suspend or revoke any license or approval involved or may issue an order with respect to licensed activities as the department determines to be appropriate or necessary in order to carry out the provisions of this chapter.

**WSR 79-10-114**

**PROPOSED RULES**

**DEPARTMENT OF PERSONNEL**

**(Personnel Board)**

[Filed September 28, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-06-020 Exemptions.
- Amd WAC 356-14-140 Salary—Increase on promotion.
- Amd WAC 356-15-120 Special assignment pay provisions.
- Amd WAC 356-15-130 Special pay ranges;

that such agency will at 10:00 a.m., Thursday, November 8, 1979, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, November 8, 1979, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1979, and/or orally at 10:00 a.m., Thursday, November 8, 1979, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: September 27, 1979

By: Leonard Nord  
Secretary

**AMENDATORY SECTION** (Amending Order 119, filed 4/18/78)

**WAC 356-06-020 EXEMPTIONS.** The provisions of this title do not apply to:

(1) Members of the Legislature or to any employee of, or position in, the legislative branch of the State government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, State government.

(3) Officers, academic personnel and employees of State institutions of higher education, the State Board for Community College Education, and the Higher Education Personnel Board.

(4) Employees of the State Printing Office.

(5) The officers of the Washington State Patrol.

(6) Elective officers of the State.

(7) The Chief Executive Officer of each agency.

(8) In the Departments of Employment Security and Fisheries, the director and the director's confidential secretary.

(9) In the Department of Social and Health Services, the secretary, deputy secretary, personnel director, administrative assistant, if any; not to exceed six assistant secretaries and one confidential secretary for each of the above ten named officers: PROVIDED, That such confidential secretary must meet the minimum qualifications for the class of Secretary 2 as determined by the State Personnel Board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the Governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the State.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the State.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the State Personnel Board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the Director to be equivalent.

(g) Washington State Patrol cadets in training for commissioning as a Trooper in the Washington State Patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington State Fruit Commission.

(b) Washington State Apple Commission.

(c) Washington State Dairy Products Commission.

(d) Washington State Wheat Commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington State Liquor Control Board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the State Personnel Board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the Liquor Control Board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the Personnel Board stating the reasons for requesting such exemptions. The Personnel Board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the Personnel Board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the Personnel Board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the Governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the Governor. The State Personnel Board shall report to each regular session of the Legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

#### AMENDATORY SECTION (Amending Order #120, filed 5/12/78)

WAC 356-14-140 SALARY—INCREASE ON PROMOTION. An employee who is promoted shall be paid at the first step which represents an increment increase over the basic salary he/she received immediately prior to the promotion, or at the first step of the new sub-range, whichever is higher, except:

(1) When an employee is promoted to a new classification at least three full ranges above his/her former classification, he/she shall receive more than a one-increment increase but no more than a two-increment increase over his/her former basic salary, or the first step in the new sub-range, whichever is higher, however;

(2) When an employee who is working in a position impacted by a class series study accepts a promotion to a classification impacted by the same study, he/she shall be paid not less than the salary that would have been paid had the employee remained in the former position and benefited from an upward reallocation. In no event, however, shall the employee receive a salary higher than the maximum step of the classification to which he/she promotes. The higher salary shall become effective at the implementation of the class study.

~~((2))~~(3) When an employee is promoted over an intervening class in the class series or from one class series to a higher class series and passes over a lower classification in the new series, which would still represent a promotion, he/she shall be paid at the closest step in the new sub-range that represents at least a two-increment increase over his/her former basic salary, or the first step in the new sub-range, whichever is higher.

~~((3))~~(4) Whenever a promotion would require an employee to move his/her residence to another geographic area to be within a reasonable commuting distance to the new place of work, he/she shall be paid at the closest step in the new sub-range that represents at least a two-increment increase over his/her former basic salary or the first step in the new sub-range, whichever is higher.

~~((4))~~(5) Employees are not entitled to both the increases for promoting over an intervening class and the increase for moving to be within a reasonable commuting distance when they happen within 12 months of each other.

#### AMENDATORY SECTION (Amending Order 130, filed 7/16/79)

WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS. Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision, training and counseling of mentally retarded residents or mental patients. Basic salary range plus ~~((one))~~ two salary ranges shall be paid only to employees in the classes below who have this supervision assigned.

0610 - Retail Clerk 1  
0612 - Retail Clerk 2  
8003 - Food Service Aide 1  
8005 - Food Service Aide 2  
8007 - Food Service Aide 3  
8205 - Laundry Worker 1  
8430 - Seamstress 1  
8432 - Seamstress 2

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

7770 - Warehouse Worker 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Master Diver) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus ~~((one))~~ two ranges shall be paid only to employees in the classes below who are assigned these responsibilities.

0215 - PBX Operator

0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician 3 class and the top step of the salary range representing a ~~((two))~~ four-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four

hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

- 7107 - Maintenance Technician 1
- 7109 - Maintenance Technician 2
- 7111 - Maintenance Technician 3
- 7115 - Maintenance Lead Technician
- 7182 - Ferry Operator 1

(6) The Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: (1) such conditions are not normally expected of those positions assigned to the respective classes; and (2) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus ~~((two))~~ four ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent 1 (4110) and 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030(1)(e).

(8) Basic salary plus ~~((two))~~ four ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation is in lieu of all hours worked subject to provisions of WAC 356-15-030(1)(e).

(9) Basic salary range plus ~~((two))~~ four ranges for each day employees within the classification of Custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus ~~((one))~~ two ranges for employees within the classification of Custodian who are assigned fulltime to a floor care crew and operate heavy duty floor cleaning and waxing equipment.

(10) Basic salary minus two ranges for those employees allocated to the Physicians Assistant classification but certified for only the "C" category of licensure of Physicians Assistant as determined by the Washington State Board of Medical Examiners.

**AMENDATORY SECTION** (Amending Order #109, filed 9/7/77)

**WAC 356-15-130 SPECIAL PAY RANGES.** Classes to which a special range applies are marked with the applicable letter designation after their range number in the Compensation Plan.

Special pay ranges are used to more nearly parallel unusual prevailing pay ranges in other governmental jurisdictions and in private industry.

(1) ~~((A, B, C, D and))~~ E Range(s): ~~((These))~~ range(s) ~~((are))~~ is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An ~~((A, B, C, D or))~~ E range is a standard range with the first ~~((two))~~ four steps removed. Thus, the minimum step of such a range is the same as ~~((the third))~~ step E of the standard range having the same range number. Periodic increases through the steps of ~~((these))~~ this range(s) are made at the same time intervals as through standard ranges, i.e., a ~~((one))~~ two-step increase after 6 months at step E and ~~((one))~~ two annually thereafter up to the maximum step of the range.

(2) ~~((K))~~ L Range: This special ~~((four-step))~~ range is used only for the class of Liquor Store Clerk (0628). The ~~((K))~~ L range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. ~~((For this reason, the four steps of the "K" range are patterned as shown in the example below. The example is for range 21K. (The dollar signs represent standard steps in the Salary Schedule, the numbers in the far left column represent standard range numbers, the arrows represent the periodic increases for the "K" range, and the underlined numbers represent the step numbers for the "K" range.))~~ Periodic increases through the steps of the ~~((K))~~ L range are made at the same time intervals as through a standard range. Normal progression is steps A, D, G and K, which represents ten percent per periodic increase.

Example

Steps

(1 — 2 — 3 — 4 — 5 — 6

Range 20-1 ~~\$714~~ \$ — \$ — \$ — \$ — \$

Range 21-1 \$ — ~~\$787~~ \$ — ~~\$867~~ \$ — ~~\$957~~

Note: While 21K is used as the example above, the pattern of adjustment applies to whatever salary range is assigned to the Liquor Store Clerk class. Dollar amounts for each step are from July 1, 1977 Compensation Plan.)

A B C D E F G H I J K

Range 22L \$868 890 912 959 983 1007  
1058 1085 1112 1140 1168

NOTE: This atypical range will not be found in the Washington State Salary Schedule.

(3) "M" Range: This special range is used only for the class of Job Service Center Interviewer Assistant (3006). It is comprised of steps A, B and C only.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-115**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 79-101—Filed September 28, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is chinook salmon have cleared the fishing areas in the Green-Duwamish River.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 28, 1979.

By Gordon Sandison  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-28-010F0K CLOSED AREA (79-98)

**WSR 79-10-116**  
**EMERGENCY RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 [Order 5-79—Filed September 28, 1979]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at the Old Capitol Building, Olympia, Washington, the annexed rules relating to definition, eligibility criteria and exceptions to eligibility criteria for students with specific learning disabilities.

I, Frank B. Brouillet, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this agency has been in negotiations with the Bureau of Education for the Handicapped (BEH) of the U.S. Office of Education for several months. BEH has withheld approval of the 1979-80 Annual Program Plan for PL 94-142, Providing Services To Children With Handicapping Conditions. Approval of the plan and receipt of federal funds is contingent upon immediate adoption of these amendments. Agreement has been reached. In addition, these amendatory rules must be in effect as soon as possible because the 1979-80 school is well underway

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rules is promulgated under the general rule-making authority of the Superintendent of Public Instruction as authorized in RCW 28A.13.010 and 28A.13.070(7).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 28, 1979.

By Frank B. Brouillet  
 Superintendent of Public Instruction

**WAC 392-171-350** **SPECIFIC LEARNING((/LANGUAGE)) DISABILITY—DEFINITION.** *Specific learning((/language)) disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language resulting from perceptual-motor handicaps. Such disorder may include problems in visual and auditory perception and integration which may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell accurately, and to perform mathematical calculations, including those involving reading. The presence of a specific learning((/language)) disability is indicated by near average, average, or above average intellectual ability, but nonetheless the student demonstrates significant performance deficits in one or more of the following academic achievement areas:*

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; and
- (7) Mathematics reasoning:

*PROVIDED, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, a behavioral disability, or an environmental, cultural, or economic disadvantage.*

*A specific learning((/language)) disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia: PROVIDED, That the student meets the eligibility criteria set forth in WAC 392-171-355 and 356.*

**WAC 392-171-355** **SPECIFIC LEARNING((/LANGUAGE)) DISABILITY—ELIGIBILITY CRITERIA.** *((Each of the three conditions that follow must be met in order for a student to be eligible for inclusion in learning/language disability programs paid for by state or federal excess cost funds.*

*(1) The student shall have significant deficits in visual and/or auditory functioning (including discrimination, memory, and integrations in visual-auditory and/or motor functioning): PROVIDED, That neither the visual nor the auditory deficit is required as a condition to the eligibility of secondary students. These perceptual/cognitive defects shall be verified by an assessment which shows a delay of one year or more at or below the first and second grade levels, a two year or more delay at the third and fourth grade levels, and a three year or more delay at the fifth grade level and beyond and/or a score of 2 standard deviations below the mean in one or more of the following areas:*

- (a) Visual processing:
  - (i) perception (discrimination and closure);
  - (ii) memory;
  - (iii) association; and
  - (iv) integration.
- (b) Auditory processing:
  - (i) perception (discrimination and closure);
  - (ii) memory;
  - (iii) association; and
  - (iv) integration.
- (c) Haptic processing:
  - (i) kinesthetic; and
  - (ii) tactile.
- (d) Language:
  - (i) reception; and
  - (ii) expression.
- (e) Sensory integration/association:
  - (i) visual-motor;
  - (ii) visual-auditory (vocal);
  - (iii) auditory-motor; and
  - (iv) auditory-vocal.

*(2) The student shall have significant deficits in one or more of the following areas as verified by administering one or more tests designed to measure such skills:*

- (a) Oral expression;
- (b) Listening comprehension;



- (c) ~~Written expression;~~
- (d) ~~Basic reading skill;~~
- (e) ~~Reading comprehension;~~
- (f) ~~Mathematics calculations; and~~
- (g) ~~Mathematics reasoning.~~

~~A significant deficit is indicated by test scores showing that the student is one year or more below his or her potential at or below the first and second grade levels, two years or more below at the third and fourth grade levels, and three years or more below at or beyond the fifth grade level. PROVIDED, That a student shall be eligible for special education and related services only with respect to the area or areas in which the student functions below the minimum grade level.~~

~~(3) The student does not qualify for placement in any other disability category set forth in this chapter.~~

Assessment procedures and eligibility standards: All students considered for initial or continued placement in special education as specific learning disabled shall be assessed by a multidisciplinary team and shall be deemed eligible for placement in a special education program in accordance with the following procedures and criteria:

(1) A current assessment of intellectual functioning shall be obtained from a standardized individual test designed to measure intellectual functioning, individually administered and interpreted by a qualified psychologist and attested to as to validity. The measured level of intellectual functioning must be near normal or above, which for purposes of these rules is defined as an intelligence quotient over 75; and

(2) A current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually. Measures by a least two instruments shall be obtained. The student's Chronological Age/Grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for Mental Age (MA) shall then be compared to the results of the actual achievement measures, the results of which must yield:

(a) A functioning level of two-thirds or below of expected performance; and

(b) A functioning level below chronological age/grade. Those students unable to score within test norms on standardized academic achievement measures shall be assessed using individually administered standardized school readiness tests, professionally recognized developmental scales, and

(3) A current assessment of perceptual, perceptual-motor or language functioning shall be obtained, the results of which show a deficit of greater than or equal to 1 1/2 standard deviations below the mean in one or more of the following:

(a) Visual processing:

(i) discrimination; or (ii) memory; or

(iii) sequencing; or

(iv) integration.

(b) Auditory processing:

(i) discrimination; or

(ii) memory; or

(iii) sequencing; or

(iv) integration.

(c) Haptic processing:

(i) kinesthetic; or

(ii) tactile.

(d) Sensory integration/association:

(i) visual-motor; or

(ii) visual-auditory; or

(iii) auditory-motor; or

(iv) receptive language; or

(v) expressive language.

For students whose chronological age placement is seventh grade or above, evidence of a perceptual deficit documented during the student's school career may replace a perceptual reassessment; and

(4) A current psychological assessment which considers and describes the student's social and emotional circumstances and which provides any implications for educational planning shall be obtained. This assessment shall be of sufficient scope to rule out serious emotional disturbance environment cultural background or economic disadvantage as an explanation for academic delay; and

(5) A current vision and hearing screening report shall be obtained; and

(6) A written record of observation and measurement of the student's academic performance and classroom behavior in the regular classroom shall be made by a member of the assessment team other than the regular classroom teacher pursuant to WAC 392-171-410.

(7) The results of the intellectual, achievement and perceptual/language measures along with the psychological assessment and the vision and hearing screening and classroom observation shall be reviewed by the multidisciplinary team. The multidisciplinary team shall prepare a written report of the results of the assessment pursuant to WAC 392-171-415.

## NEW SECTION

WAC 392-171-356 SPECIFIC LEARNING DISABILITY—EXCEPTIONS TO GENERAL ELIGIBILITY CRITERIA. Where the results of the intellectual, academic, or perceptual/language measures provided for in WAC 392-171-355 do not document a specific learning disability, the multidisciplinary team, when it is deemed advisable by the team, may deviate from the criteria set forth in WAC 392-171-355 within the standard error of measurement of the selected assessment instrument(s) and determine the appropriateness of placement in a special education program: PROVIDED, That once the required assessment procedures are concluded, the assessment team shall prepare a written report which identifies the degree to which the assessment findings deviate from the criteria, describes the student's specific learning disability as evidenced by the assessment findings and any implications for educational planning. The written report shall also address all requirements stated in WAC 392-171-415, and be signed by the school district superintendent or his/her designee. Students placed under these conditions shall be reassessed annually to determine their need for special

education and shall be funded for state excess cost purposes at a student to teacher ratio of 35 to 1.

**WSR 79-10-117**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
[Memorandum, Director—September 28, 1979]

**State Building Code Advisory Council**

The State Building Code Advisory Council will meet on Tuesday, November 27, 1979, at 9:30 a.m. in the SeaTac Airport Carvery Restaurant conference room. For additional information, contact Christopher Woodsum, Local Government Services Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, phone (206) 754-1243.

**Weatherization Assistance Program Hearing**

A public hearing will be held on the draft Fiscal Year 1980 Washington State Plan for the Department of Energy Weatherization Assistance Program for Disadvantaged Persons. The hearing is scheduled for Tuesday, November 20, 1979, at 9:00 a.m. in the Phoenix-D Room of the SeaTac Hyatt Motor Hotel. For additional information or a copy of the draft proposal, contact Dinah Guiles, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building FN-41, Olympia, Washington 98504, telephone (206) 753-4922.

**WSR 79-10-118**  
**EMERGENCY RULES**  
**DEPARTMENT OF SOCIAL**  
**HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1437—Filed October 1, 1979]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home discharge allowance, WAC 388-15-145.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is substantially improved services to clients and conservation of public funds will result from the immediate adoption of this rule.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

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

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

APPROVED AND ADOPTED October 1, 1979.

By N. Spencer Hammond  
Executive Assistant

**NEW SECTION**

**WAC 388-15-145 NURSING HOME DISCHARGE ALLOWANCE.** A one-time allowance may be issued to Medicaid eligible nursing home residents who have been certified ready for discharge.

(1) The allowance must be used to obtain independent housing and to resume housekeeping.

(2) Persons eligible for the discharge allowance must

(a) have no existing independent residence,

(b) not have a spouse or dependents, and

(c) have no more than \$600 in cash or other resources which could be converted at face value to cash within thirty days.

(3) The discharge allowance issued is based on the actual amount required to re-establish an independent residence for the individual, subject to the following maximums:

Cash Resource Level Maximum Discharge Allowance

0 - \$300	\$400
\$301 - \$400	\$300
\$401 - \$500	\$200
\$501 - \$600	\$100

**WSR 79-10-119**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1438—Filed October 1, 1979]

I, N. Spencer Hammond, Ex. Asst. of the Department of Social and Health Services do promulgate and adopt at Olympia, Washington, the annexed rules relating to early and periodic screening, diagnosis and treatment of eligible individuals under twenty-one years of age, amending WAC 388-86-027.

I, N. Spencer Hammond, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these amendments are necessary to conform to new Federal regulations which become effective October 1, 1979.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

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

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

APPROVED AND ADOPTED October 1, 1979.

By N.S. Hammond  
Executive Assistant

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

WAC 388-86-027 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT OF ELIGIBLE INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE. (1) The department will make available to individuals under twenty-one years of age (see WAC 388-86-005) who are recipients of medical assistance (MA), early and periodic screening and diagnosis to ascertain their physical and/or mental defects, and preventive health care and treatment to correct or ameliorate the defects and chronic conditions discovered thereby, to the extent provided under these rules. There will be freedom of choice in obtaining screening services from among participating providers. The following services are included in the program:

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

- (i) medical history
- (ii) assessment of physical growth and nutritional status
- (iii) developmental assessment (physical and mental)
- (iv) inspection for obvious defects
- (v) inspection of ears, nose, mouth, teeth and throat
- (vi) visual screening; auditory testing
- (vii) screening for cardiac abnormalities
- (viii) screening for anemia
- (ix) urine screening
- (x) blood pressure (children ((+2)) twelve years of age or older)
- (xi) assessment of immunization status and updating immunization
- (xii) referral to a dentist for diagnosis and treatment for children three years of age and over.

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

(c) Treatment shall be limited to the same amount, duration, and scope of care available to other recipients of medical assistance (MA), except regardless of any such limitations, eyeglasses, hearing aids and other kinds of treatment for visual and hearing defects, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health shall be provided for those determined to be in need of such care, subject, however, to such utilization controls as may be imposed by the department.

(2) The EPSDT requirement applies to all individuals under ((21)) twenty-one years of age who are determined to be eligible for medical assistance (MA).

(3) EPSDT represents an exception to the requirement for comparability of services under Title XIX. EPSDT services to individuals under ((21)) twenty-one years of age may be provided without providing similar services for those over ((21)) twenty-one.

**WSR 79-10-120**

**PROPOSED RULES**

**DEPARTMENT OF LICENSING**

**(Board of Osteopathic Medicine and Surgery)**

[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning osteopathic medicine and surgery examination and acceptable intern or residency programs. (A copy of the said rule is shown below, but the board reserves the right to adopt any rules consistent with the subject matter therein after testimony.);

that such agency will at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is section 3(3), chapter 117, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 1, 1979, and/or orally at 10:00 a.m., Friday, November 9, 1979, Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

Dated: October 1, 1979

John H. Keith  
Assistant Attorney General  
Counsel for Board

NEW SECTION

WAC 308-138-055 OSTEOPATHIC MEDICINE AND SURGERY EXAMINATION. (1) Washington Examination. Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) medical examination with a FLEX weighted average of at least seventy five percent and obtain at least a seventy percent score on a board administered examination on osteopathic principles and practices.

(2) Waiver of Reciprocity. An applicant who has passed the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination. The board may accept certain other state examinations which conforms to the requirements of Washington law. The minimum passing score will depend upon the quality of the examination as determined by the board.

NEW SECTION

WAC 308-138-065 ACCEPTABLE INTERN OR RESIDENCY PROGRAMS. The board accepts the following training programs.

- (1) nationally approved one-year internship programs;

(2) the first year of a residency program approved by the American Osteopathic Association, the American Medical Association or by their recognized affiliate residency accrediting organizations.

**WSR 79-10-121**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Osteopathic Medicine and Surgery)**  
[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning mandatory continuing medical education. (A copy of said rule is shown below, but the board reserves the right to adopt any rules consistent with the subject matter therein after testimony.);

that such agency will at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is section 3(4), chapter 117, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 1, 1979, and/or orally at 10:00 a.m., Friday, November 9, 1979, Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

Dated: October 1, 1979

By: John H. Keith  
Assistant Attorney General  
Counsel for Board

**NEW SECTION**

**WAC 308-138-200 CONTINUING PROFESSIONAL EDUCATION REQUIRED.** (1) The board requires one hundred fifty credit hours of continuing professional education every three years. All osteopathic physicians currently licensed will be required to show evidence of one hundred fifty credit hours of continuing professional education by their license renewal date in 1983.

(2) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time.

**NEW SECTION**

**WAC 308-138-210 CATEGORIES OF CREDITABLE CONTINUING PROFESSIONAL EDUCATION ACTIVITIES.** The following are categories of creditable continuing medical education activities approved by the board. The credits must be earned in the thirty-six month period preceding application for renewal of licensure. One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing professional education requirement.

(1) Category 1 - A minimum of sixty (60) credit hours of the total one hundred fifty hour requirements are mandatory under this general category.

(a) Category 1-A - Formal educational programs sponsored by nationally recognized osteopathic or medical institutions, organizations and their affiliates.

Examples of recognized sponsors include but are not limited to:  
Accredited osteopathic or medical schools and hospitals.

Osteopathic or medical societies and specialty practice organizations.

Continuing medical education institutes.

Governmental health agencies and institutions.

Residencies, fellowships and preceptorships.

(b) Category 1-B - Preparation in publishable form of an original scientific paper (defined as one which reflects a search of the literature, appends a bibliography, and contains original data gathered by the author) and initial presentation before a postdoctoral audience qualified to critique the author's statements. Maximum allowable credit for the initial presentation will be ten credit hours per scientific paper. A copy of the paper in publishable form shall be submitted to the board. Publication of the above paper or another paper in a professional journal approved by the board may receive credits as approved by the board up to a maximum of fifteen credit hours per scientific paper.

(c) Category 1-C - Serving as a teacher, lecturer, preceptor or moderator-participant in any formal educational program. Such teaching would include classes in colleges of osteopathic medicine and medical colleges and lecturing to hospital interns, residents and staff. Total credits allowed under Category 1-C are forty-five per three-year period, with one hour's credit for each hour of actual instruction.

(A) Category 2-A - Home Study - The board strongly believes that participation in formal professional education programs is essential in fulfilling a physician's total education needs. The board is also concerned that the content and educational quality of many unsolicited home study materials are not subject to impartial professional review and evaluation. It is the individual physician's responsibility to select home study materials that will be of actual benefit. For these reasons, the board has limited the number of credits which may be granted for home study, and has adopted strict guidelines in granting these credits.

Reading - Credits may be granted for reading the Journal of the AOA, and other selected journals published by recognized osteopathic organizations. One-half credit per issue is granted for reading alone. An additional one-half credit per issue is granted if the quiz found in the AOA Journal is completed and returned to the Division of Continuing Medical Education. Credit for all other reading is limited to recognized scientific journals listed in Index Medicus. One-half credit per issue is granted for reading these recognized journals.

Listening - Credits may be granted for listening to programs distributed by the AOA Audio-Educational Service. Other audio-tape programs sponsored by nationally recognized organizations and companies are eligible for credit. One-half credit per tape program may be granted. An additional one-half credit may be granted for each AOA Audio-Educational Service program if the quiz card for the tape found in the AOA Journal is completed and returned.

Other Home Study Courses - Subject-oriented and refresher home study courses and programs sponsored by recognized professional organizations are eligible for credit. The number of credit hours indicated by the sponsor will be accepted by the board.

A maximum of ninety credit hours per three-year period may be granted for all home study activities under Category 2-A.

(B) Category 2-B - Preparation and personal presentation of a scientific exhibit at a county, regional, state or national professional meeting. Total credits allowed under Category 2-B are thirty per three-year period, with ten credits granted for each new and different scientific exhibit. Appropriate documentation must be submitted with the request for credit.

(C) Category 2-C - All other programs and modalities of continuing professional education. Included under this category are informal educational activities such as observation at medical centers; programs dealing with experimental and investigative areas of medical practice, and programs conducted by non-recognized sponsors.

Total credits allowed under Category 2-C are thirty hours per three-year period.

**NEW SECTION**

**WAC 308-138-220 CERTIFICATION OF COMPLIANCE.** (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hour continuing professional education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty hour continuing professional education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

(3) Certification of compliance with the requirement for continuing medical education of the American Osteopathic Association, or receipt of the AMA physicians recognitions award or a current certification of continuing medical education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

(4) Original certification or recertification within the previous six years by a specialty board will be considered as evidence of equivalent compliance with these continuing professional education requirements.

#### NEW SECTION

##### WAC 308-138-230 PRIOR APPROVAL NOT REQUIRED.

(1) It will not be necessary for a physician to inquire into the prior approval of any continuing medical education. The board will accept any continuing professional education that reasonably falls within these regulations and relies upon each individual physician's integrity in complying with this requirement.

(2) Continuing professional education program sponsors need not apply for nor expect to receive prior board approval for continuing professional education programs. The continuing professional education category will depend solely upon the status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing professional education that constitutes a meritorious learning experience.

#### **WSR 79-10-122**

##### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

**(Board of Osteopathic Medicine and Surgery)**

[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning osteopathic physician's assistant prescriptions. (A copy of said rule is shown below, but the board reserves the right to adopt any rules consistent with the subject matter therein after testimony.);

that such agency will at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.57A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 1, 1979, and/or orally at 10:00 a.m., Friday, November 9, 1979, Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

Dated: October 1, 1979

By: John H. Keith  
Assistant Attorney General  
Counsel for Board

#### NEW SECTION

WAC 308-138-025 OSTEOPATHIC PHYSICIAN'S ASSISTANT PRESCRIPTIONS. An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule one and two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the registration number.

(2) A physician's assistant employed or extended privileges by a hospital nursing home or other health care institution may, if permissible under the by-laws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

#### **WSR 79-10-123**

##### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

**(Board of Osteopathic Medicine and Surgery)**

[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning standards for professional advertising. (A copy of said rule is shown below, but the board reserves the right to adopt any rules consistent with the subject matter therein after testimony.);

that such agency will at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is section 3(5), chapter 117, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 1, 1979, and/or orally at 10:00 a.m., Friday, November 9, 1979, Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

Dated: October 1, 1979

John H. Keith  
Assistant Attorney General  
Counsel for Board

#### NEW SECTION

WAC 308-138-300 PROHIBITED PUBLICITY AND ADVERTISING. An osteopathic physician shall not use or allow to be used any form of public communications or advertising which:

- (1) is false, fraudulent, deceptive, misleading, or sensational;
- (2) uses testimonials;
- (3) guarantees any treatment or result;

(4) offers gratuitous goods or services or discounts in connection with professional services, but this clause shall not be construed to relate to the negotiation of fees between physicians and patients or to prohibit the rendering of professional services for which no fee is charged;

(5) makes claims of professional superiority;

(6) states or includes prices for professional services except as provided for in WAC 308-138-310;

(7) fails to identify the physician as an osteopathic physician;

(8) otherwise exceeds the limits of WAC 308-138-310.

#### NEW SECTION

**WAC 308-138-310 PERMITTED PUBLICITY AND ADVERTISING.** To facilitate the process of informed selection of a physician by potential patients, a physician may publish the following information, provided that the information disclosed by the physician in such publication complies with all other ethical standards promulgated by the board;

(1) name, including name of professional service corporation or clinic, and names of professional associates, addresses and telephone numbers;

(2) date and place of birth;

(3) date and fact of admission to practice in Washington and other states;

(4) accredited schools attended with dates of graduation, degrees and other scholastic distinction;

(5) osteopathic teaching positions;

(6) membership in osteopathic or medical fraternities, societies and associations;

(7) membership in scientific, technical and professional associations and societies;

(8) whether credit cards or other credit arrangements are accepted;

(9) office and telephone answering service hours;

(10) fee for an initial examination and/or consultation;

(11) availability upon request of a written schedule of fees or range of fees for specific services;

(12) the range of fees for specified routine professional services, provided that the statement discloses, in print size equivalent to the largest print used in setting forth the fee information, that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each patient, and the patient is entitled without obligation to an estimate of the fee within the range likely to be charged;

(13) fixed fees for specified routine professional services, the description of which would not be misunderstood by or be deceptive to a prospective patient, provided that the statement discloses in print size at least equivalent to the largest print used in setting forth the fee information that the quoted fee will be available only to patients whose matters fall into the services described, and that the client is entitled without obligation to a specific estimate of the fee likely to be charged.

#### **WSR 79-10-124**

#### **PROPOSED RULES**

#### **DEPARTMENT OF LICENSING**

#### **(Board of Osteopathic Medicine and Surgery)**

[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Osteopathic Medicine and Surgery intends to adopt, amend, or repeal rules concerning mandatory reporting of malpractice actions. (A copy of said rule is shown below, but the board reserves the right to adopt any rules consistent with the subject matter therein after testimony.);

that such agency will at 10:00 a.m., Friday, November 9, 1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, November 9,

1979, in the Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is section 3(6), chapter 117, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 1, 1979, and/or orally at 10:00 a.m., Friday, November 9, 1979, Holiday Inn, Room 727, 17338 Pacific Highway South, Seattle, WA.

Dated: October 1, 1979

By: John H. Keith

Assistant Attorney General

Counsel for Board

#### NEW SECTION

**WAC 308-138-320 MALPRACTICE SUIT REPORTING.** (1) Every osteopathic physician shall, within twenty days after service or knowledge thereof, notify the board of any suit filed in any court in which the osteopathic physician is named as a defendant and which seeks damages relating to the providing or failure to provide any health care services.

(2) The board requests the assistance of the clerk of all trial courts in reporting the filing of any suit in which an osteopathic physician is named as a defendant and which seeks damages relating to the provision or failure to provide health care services.

#### **WSR 79-10-125**

#### **PROPOSED RULES**

#### **GAMBLING COMMISSION**

[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities (copy of rules shown below, however, changes may be made at the public hearing);

that such agency will at 10 a.m., Thursday, November 8, 1979, in the Mercury 7 and 8, Red Lion Inn, 18740 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, November 8, 1979, in the Mercury 7 and 8, Red Lion Inn, 18740 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is WAC 230-04-250, promulgated pursuant to RCW 9.46.070(5). WAC 230-25-035 is promulgated pursuant to RCW 9.46.070(13) which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 8, 1979, and/or orally at 10 a.m., Thursday, November 8, 1979, Mercury 7 and 8, Red Lion Inn, 18740 Pacific Highway South, Seattle, WA.

Dated: September 28, 1979

By: Jeffrey O. C. Lane

Assistant Attorney General

**AMENDATORY SECTION** (Amending Order #89, filed 5-18-79)

**WAC 230-04-200 LICENSE FEES.** The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

- (1) **BINGO**  
 (a) Class A - five hundred dollars or less annual net receipts - \$20.  
 (b) Class B - over five hundred dollars through five thousand dollars annual net receipts - \$50.  
 (c) Class C - over five thousand dollars through fifteen thousand dollars annual net receipts - \$250.  
 (d) Class D - over fifteen thousand dollars through twenty-five thousand dollars annual net receipts - \$350.  
 (e) Class E - over twenty-five thousand dollars through fifty thousand dollars annual net receipts - \$750.  
 (f) Class F - over fifty thousand dollars through one hundred thousand dollars annual net receipts - \$1500.  
 (g) Class G - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$3000.  
 (h) Class H - over five hundred thousand dollars annual net receipts - \$10,000.
- (2) **RAFFLES**  
 (a) Class C - five hundred dollars or less annual net receipts - \$20.  
 (b) Class D - over five hundred dollars but not over five thousand dollars, annual net receipts - \$50.  
 (c) Class E - over five thousand dollars through fifteen thousand dollars annual net receipts - \$250.  
 (d) Class F - over fifteen thousand dollars annual net receipts - \$350.
- (3) **AMUSEMENT GAMES** - by bona fide charitable or bona fide nonprofit organizations.  
 (a) Class A - five hundred dollars or less annual net receipts - \$20.  
 (b) Class B - over five hundred dollars through one thousand dollars annual net receipts - \$25.  
 (c) Class C - over one thousand dollars through five thousand dollars annual net receipts - \$50.  
 (d) Class D - over five thousand dollars through fifteen thousand dollars annual net receipts - \$150.  
 (e) Class E - over fifteen thousand dollars annual net receipts - \$350.
- (4) **FUND RAISING EVENT AS DEFINED IN RCW 9.46.020** - by bona fide charitable or bona fide nonprofit organizations.  
 (a) Class A - one calendar day - not to exceed five thousand dollars annual net receipts - \$125.  
 (b) Class B - more than one calendar day not to exceed three consecutive days, once each calendar year - not to exceed five thousand dollars annual net receipts - \$250.  
(c) Class C - recreational - one calendar day - not to exceed five thousand dollars annual net receipts - \$10.  
(d) Class D - recreational - more than one calendar day not to exceed three consecutive days, once each calendar year - not to exceed five thousand dollars annual net receipts - \$15.
- (5) **SPECIAL LOCATION AMUSEMENT GAMES** - other than bona fide charitable or bona fide nonprofit organizations.  
 (a) Class A - one event per year lasting no more than 12 consecutive days - \$100.  
 (b) Class B - twenty-five thousand dollars or less annual net receipts - \$250.  
 (c) Class C - over twenty-five thousand dollars through one hundred thousand dollars annual net receipts - \$750.  
 (d) Class D - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$1500.  
 (e) Class E - over five hundred thousand dollars annual net receipts - \$3000.
- (6) **CARD GAMES** - bona fide charitable and nonprofit organizations.  
 (a) Class A - general (fee to play charged) - \$250.  
 (b) Class B - limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.  
 (c) Class C - tournament only (no more than ten consecutive days) per tournament - \$35.  
 (d) Class D - general (no fee is charged a player to play cards) - \$35.  
(e) Class R - primarily for recreational purposes and meets the standards of WAC 230-04-199 - \$10.
- (7) **CARD GAMES** - commercial stimulant - each licensee per premises.

- (a) Class A - general - up to three tables - \$250.  
 (b) Class B - limited card games to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.  
 (c) Class C - tournament only (no more than ten consecutive days) - per tournament - \$35.  
 (d) Class D - general (no fee is charged a player to play cards) - \$35.  
 (e) Class E - general - up to five tables - \$500.  
 (8) **PUBLIC CARD ROOM EMPLOYEE** - each licensee - \$100.  
 (9) **PERMITS** - for operation by persons of authorized activity at agricultural fair or special property.  
 (a) Class A - one location and event only - \$10.  
 (b) Class B - annual permit for specified different events and locations - \$100.  
 (10) **PUNCHBOARDS AND PULL TABS** - each licensee, per premises - \$300.  
 (11) **Manufacturer license** - \$1250.  
 (12) **Distributor license** - \$1000.  
 (13) **Distributor's representative license** - \$100.  
 (14) **Manufacturer's representative license** - \$100.  
 The term annual net receipts as used above means net receipts from the activity licensed only, during the license year.

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

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**NEW SECTION**

**WAC 230-25-035 RECREATIONAL FUND RAISING EVENT.** The class C and class D recreational fund raising events are limited to those fund raising events which are conducted primarily for recreational purposes and wherein:

- (1) Other activities are offered in addition to gambling such as dinners or other meals, live music, dancing, or use of unusual facilities, which indicate clearly that an important purpose of the event is a social one other than gambling; and  
 (2) A single fee of not more than \$20.00 is charged each person, for admission to and participation in the event, including gambling and all activities other than gambling offered in connection therewith (such as food and refreshments, dancing, use of facilities, etc.); and  
 (3) No thing of value other than the admission fee set out in (2) above is wagered, or required to play, in the games at the event, except play money, script, tickets or similar items as set out in (4) below; and  
 (4) Upon attending the event, each person paying the admission fee receives play money, script, tickets or similar items representing an identical value to that received by all others attending the event. These items shall have no value except for the purposes of the event and shall be the sole method by which wagers may be made in the gambling game; and  
 (5) The play money, tickets, script, or similar items which have been accumulated by persons participating in the event, and only those items, may be exchanged solely for non-cash prizes such as merchandise, services or gift certificates, or used to bid in an auction for such prizes offered by the licensee.

WSR 79-10-126

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Examiners for Nursing Home Administrators)

[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Examiners for Nursing Home Administrators intends to adopt, amend, or repeal rules concerning continuing education for nursing home administrators, courses of study, approval of courses of study and certification of compliance



with continuing education requirements (a copy of the proposed rules is shown below, but the board reserves the right to modify same at the public hearing);

that such agency will at 10:00 a.m., Wednesday, December 5, 1979, in the Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA 98188, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, December 5, 1979, in the Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA 98188.

The authority under which these rules are proposed is RCW 18.52.100(14) and 18.52.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to December 3, 1979, and/or orally at 10:00 a.m., Wednesday, December 5, 1979, Cascade Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA 98188.

Dated: October 1, 1979

By: Barbara Phillips  
Assistant Attorney General

#### NEW SECTION

WAC 308-54-125 CONTINUING EDUCATION CREDIT FOR PRECEPTORS FOR ADMINISTRATORS-IN-TRAINING PROGRAMS. Any licensed nursing home administrator serving as a preceptor for an administrator in training pursuant to WAC 308-54-090(4) may be granted continuing education credit at a rate of one hour per month provided that no licensed nursing home administrator shall be granted more than 24 hours of continuing education in any three-year period with regard to his or her preceptorship.

#### AMENDATORY SECTION (Order PL 265, filed 3-21-77)

WAC 308-54-130 COURSES OF STUDY. A course of study provided to satisfy the continuing education requirements of licensed nursing home administrators must meet the following conditions before approval by the board can be considered:

- (1) Such program shall qualify as an approved course of instruction as defined in WAC 308-54-140; and
- (2) Such program shall (~~specify the number of classroom hours~~) consist of a minimum of three hours of organized instruction with the exception of board-approved correspondence courses of study; and
- (3) Such program shall include the following general subject areas or their equivalents:
  - (a) applicable standards of environmental health and safety
  - (b) local health and safety regulations
  - (c) general administration
  - (d) psychology of patient care
  - (e) principles of medical care
  - (f) personal and social care
  - (g) therapeutic and supportive care and services in long-term care
  - (h) departmental organization and management
  - (i) community inter-relationships; and
- (4) Such program shall issue certificates of attendance or other evidence satisfactory to the board.

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

#### AMENDATORY SECTION (Order PL 260, filed 12-10-76)

WAC 308-54-140 APPROVAL OF COURSES OF STUDY. (1) Programs of study sponsored by any accredited universit~~(y)~~ies or colleges which carry recognized academic credit shall be deemed acceptable and approved for continuing education credit, provided, however, that the course meets the conditions set forth in WAC 308-54-130(2)-(4).

(2) Programs of study sponsored by the following shall be deemed acceptable and approved for continuing education credit, provided, however, that the course meets the conditions set forth in WAC 308-54-130(2)-(4):

American College of Nursing Home Administrators  
American College of Hospital Administrators  
Washington State Health Facilities Association  
Washington Association of Homes for the Aging  
United Nursing Homes, Inc.

Any state long-term care association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

American Association of Homes for the Aging  
American Cancer Society

Continuing Education Unlimited

Hillhaven Foundation, Inc.

Intercollegiate Center for Nursing Education

Pierce County Nurses Association

World of Continuing Education

United Learning Institute

Washington State Department of Social and Health Services

United States Department of Health, Education and Welfare

Personal Dynamics Institute

(3) Any course of study sponsored by an educational institution, association, professional society, or organization other than an accredited college or university shall be approved by the board for continuing education credit, provided, however:

(a) such course of study meets the conditions set forth in WAC 308-54-130(2)-(4); and

(b) such course of study shall (~~be registered and approved by the board prior to the course offering~~) register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering.

(4) In certain circumstances the board reserves the right to approve courses, without registration, taken outside the state of Washington, if, in the opinion of the board, the course clearly meets the conditions of WAC 308-54-130(2)-(4). A request for approval of such course must be received in writing by the board within the three-year period for continuing education credit. Approval will be based upon proof of time, place, curriculum, faculty, and other factors the board may require.

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

#### NEW SECTION

WAC 308-54-155 CERTIFICATION OF COMPLIANCE. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the fifty-four hour continuing education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the fifty-four hour continuing education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

**WSR 79-10-127**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(State Personnel Board)**  
[Filed October 1, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-22-030 Recruitment—Promotional—Notice requirements.  
Amd WAC 356-22-080 Applications—Disqualification—Notice requirements.

- Amd WAC 356-26-030 Register designation.
- Amd WAC 356-26-040 Registers—Name removal for cause—  
Grounds enumerated—Requirements.
- Amd WAC 356-26-060 Certification—General methods.
- Amd WAC 366-26-070  
[356-26-070] Certification—Registers—Order of rank—  
Exception.
- Amd WAC 356-26-130 Certification—Selective—When  
permitted.
- Amd WAC 356-30-070 Appointments—Acting;

that such agency will at 10:00 a.m., Thursday, November 8, 1979, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, November 8, 1979, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1979, and/or orally at 10:00 a.m., Thursday, November 8, 1979, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

Dated: October 1, 1979

By: Leonard Nord  
Secretary

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-22-030 RECRUITMENT—PROMOTIONAL—NOTICE REQUIREMENTS. (1) Upon agency request, the Director of Personnel shall publish examination announcements for those classes within which recruitment has not occurred during the previous twelve months. Candidates already on the register will be required to reapply, but may choose to use their current examination rating unless there has been a substantial change in the examination.

(2) Announcements will be distributed to all agency personnel offices when recruitment is conducted on a service-wide basis. Appropriate and reasonable distribution within agencies is the responsibility of the agencies.

(3) When recruitment is conducted on an intra-agency basis, distribution of the examination announcement will be the responsibility of the agency.

AMENDATORY SECTION (Amending Order 87, filed 5/4/76)

WAC 356-22-080 APPLICATIONS—DISQUALIFICATION—NOTICE REQUIREMENTS. (1) Disqualified applicants or applicants who are not admitted to an examination shall be promptly notified by mail to their last known address. Applicants shall be notified of right to request a ((hearing of)) review by the Director of Personnel within fifteen calendar days of notice of rejection.

(2) The ((hearing will be)) review may include an informal ((and)) hearing conducted by the Director of Personnel, or designee. ((The hearing date will be scheduled within ten calendar days following receipt of the request.))

(3) Should the Director of Personnel or designee determine an informal hearing is necessary ((★)) applicants shall be notified of the hearing date and place at least ten calendar days in advance of the hearing date. Attendance of other interested parties may be limited by the Director of Personnel ((if good order, justice, and fairness will be promoted)). Applicants shall be notified of the Director's decision within five calendar days following the hearing.

((★)) Unfavorable decisions of the director shall be appealable to the Board.))

AMENDATORY SECTION (Amending Order 58, filed 9/10/73)

WAC 356-26-030 REGISTER DESIGNATION. (1) Agency Reduction-in-Force.

(a) Composition.

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force; or held permanent status prior to separation due to a reduction-in-force; or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or were in a trial service period with another department and separated due to reduction-in-force; or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the Director of Personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the State Personnel Board at the time.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for ((three)) two years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(2) Service-Wide Reduction-in-Force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for ((two)) one year((s)).

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-Agency Reversion.

(a) Composition.

(i) This register will contain the names of those permanent employees who promote to another agency and either voluntarily or involuntarily revert to their former class during a trial service period.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for ((two)) one year((s)).

(d) Special Provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency Promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those permanent employees, or past permanent employees who have been separated due to reduction-in-force within the last year who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status.

(5) Service-Wide Reversion.

(a) Composition.

(i) This register will contain the names of all permanent employees who have promoted to another agency and either voluntarily or involuntarily revert to their former class during a trial service period.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of Ranking.

(i) This register will be unranked.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary Demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of Ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-Wide Promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register upon achieving permanent status. Persons on this register

will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The Director of Personnel may extend the time during which an employee may apply for reemployment if ~~((he))~~ the Director of Personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of Ranking.

(i) This register shall be unranked.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Open Competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of Ranking.

(i) This register shall be ranked by the final score.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for one year unless changed by the Director of Personnel.

(d) Special Provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending Order 87, filed 5/4/76)

WAC 356-26-040 REGISTERS—NAME REMOVAL FOR CAUSE—GROUNDS ENUMERATED—REQUIREMENTS.

(1) ~~((Upon notifying the Board of the intended actions, the))~~ The Director of Personnel may remove the name of an eligible from a register for ~~((any of the following))~~ reasons such as:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and stating that he/she no longer desires consideration for a position in that class.

(d) If a promotional candidate has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on ~~((three))~~ two occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on ~~((four))~~ three separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of ~~((four))~~ three times.

(h) Rejection or waiver of employment offered to a person from either of the reduction-in-force registers when the person had earlier indicated availability to accept work in that geographic area and agency; except when the person is ill or disabled. The Director of Personnel may require a letter from medical authorities verifying the illness or disability.

(i) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(2) The Director of Personnel shall notify the eligible of this action and the reasons therefore by mail to the last known address. The Director of Personnel should advise the eligible of the right to ~~((appeal))~~ a review.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the Director of Personnel ~~((or in accordance with the decision of the Board upon appeal))~~.

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

#### AMENDATORY SECTION (Amending Order 112, filed 11/7/77)

WAC 356-26-060 CERTIFICATION—GENERAL METH-ODS. Upon receipt of a request for certification, the Director of Personnel shall normally certify to the appointing authority a list of names equal in number to two more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction-in-force register; the service-wide reduction-in-force register; or the dual agency reversion register.

(2) Where all names are certified exclusively from an open competitive register, the Director of Personnel may certify in ranked order up to all of the names from the open competitive register; PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute three names per vacancy to be filled.

(3) When more than one candidate has the same examination rating, three names shall be certified as determined by lot.

(4) Additional names may be referred from the unranked registers when completing a certification. When an unranked register is used to complete a certification, all names appearing on that register shall be certified; however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized.

(5) The Director of Personnel ~~((upon request and after consultation with the employing department and employee representatives;))~~ may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the Director of Personnel with employees being automatically advanced after completion of one year's service in the ~~((training position))~~ lower level class.

(6) When the vacancy to be filled is identified as part of an agency's Affirmative Action goals as established by their approved Affirmative Action Plan, the Director of Personnel may, except where there are employees on the ~~((R))~~reduction-in-~~((F))~~force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, State Law Against Discrimination, or for Federal Contract Compliance Purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Agencies shall request from the Department of Personnel a determination prior to the utilization of this Rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.

(7) The Director of Personnel or his/her designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than three names available to fill the position:

Messenger Clerk  
Receptionist  
Clerk ((H))  
Clerk ((H)) 2  
Clerk-Steno ((H)) 1 Visually Handicapped  
Clerk-Steno ((H)) 2 Visually Handicapped  
Clerk-Typist ((H)) 1  
Clerk-Typist ((H)) 2  
Dictating Machine Transcriber  
Power Keyboard Operator ((H)) 1  
Power Keyboard Operator ((H)) 2  
Clerk-Steno ((H)) 1  
Clerk-Steno ((H)) 2

PBX Operator  
Remote Terminal Typist ((H)) 1  
Remote Terminal Typist ((H)) 2  
Data Entry Operator ((H)) 1  
Data Entry Operator ((H)) 2

If such certification contains three or more available promotional candidates, agencies shall appoint from the promotional candidates.

~~((Certifications made from noncompetitive registers established under the provisions of WAC 356-22-230(2) may include all names on that register. However, if the appointing authority appoints from other than the top ten names or the top 25% of the certification (whichever is greater), the appointing authority shall certify to the Director that all applicants appearing higher on the certification than the one appointed have been interviewed. The Director may waive the requirement for certification if the appointing authority certifies that all applicants above the one appointed are known to the appointing authority.))~~

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

#### AMENDATORY SECTION (Amending Order 72, filed 1/30/75)

WAC 356-26-070 CERTIFICATION—REGISTERS—ORDER OF RANK—EXCEPTION. The Director of Personnel will normally certify names from the registers in the following order:

- (1) Agency reduction-in-force register.
- (2) Service-wide reduction-in-force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Open competitive register.

However, if the Director of Personnel and appointing authority establish that it is in the best interest of the State to broaden the competition, the initial certification may be made from those names standing highest when registers (4), (8), and (10) are considered as one. A written request from the appointing authority must be submitted prior to recruitment. ~~((This means of certification shall be used only with the prior approval of the Board.))~~

#### AMENDATORY SECTION (Amending Order 69, filed 9/30/74)

WAC 356-26-130 CERTIFICATION—SELECTIVE—WHEN PERMITTED. If a vacancy exists in a position which represents a specialization within a class, the appointing authority may request a selective certification of eligibles having the specialized qualifications required if such request is made prior to certification. If the Director, after investigation determines that the facts and reasons justify such selection, he/she shall certify the highest ranking eligibles who possess the special qualifications.

(1) Selective certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed by only the sex specified.

(2) Notwithstanding any other provision of these Rules, selective certification from the open competitive register may be initiated by the Director of Personnel to increase employment of minority personnel, which for purposes of this regulation shall include Blacks, Orientals, Indians, other non-whites, and Mexican- and Spanish-Americans. Such selective certification may be initiated when the Director of Personnel determines that minority personnel are, in proportion to the total minority population of the State, under-represented either within State employment as a whole or in a geographical area of work. Such selective certification shall apply only when all names are from the open competitive register.

(3) The Director of Personnel may selectively certify eligibles who are filling ~~((participant positions funded under the Emergency Employment Act of 1971, the Comprehensive Employment and Training Act of 1973, and the Washington State "Jobs Now" Program (Ch. 155- Sec. 47, Laws of 1972.))~~ project positions to fill permanent positions. Such selective certification shall apply only from names on an open competitive register.

AMENDATORY SECTION (Amending Order 56, filed 6/25/73)

WAC 356-30-070 **APPOINTMENTS—ACTING.** (1) An acting appointment is an appointment of a temporary nature made from within the service to a supervisory or managerial position.

(2) Acting appointments must be approved in advance by the Director of Personnel and shall not exceed six months; however, in the event of pending major organizational changes affecting the position, the Director of Personnel may approve requests for month to month extensions for a period not to exceed 30 days beyond the date of the appointment of a permanent incumbent to that position.

(3) Appointment shall be from among those employees interested and available to accept such an appointment regardless of minimum requirements. Primary consideration should, however, be given to eligibles on the agency promotional register for the class or for a related class as determined by the Director of Personnel and the agency.

(4) An employee accepting an acting appointment shall be paid according to the rule regarding promotion.

(5) An employee shall not achieve permanent status in the higher class and upon termination of the acting appointment shall have the right to resume his/her permanent position and salary including increments which may have accrued.

**WSR 79-10-128**

**ADOPTED RULES**

**WALLA WALLA COMMUNITY COLLEGE**

[Resolution 80-3—Filed October 2, 1979]

Be it resolved by the board of trustees, of the Community College District No. 20 (Walla Walla Community College), acting at Walla Walla Community College, Walla Walla, Washington, that it does promulgate and adopt the annexed rules relating to regulations to govern pedestrian and vehicular traffic and parking upon state lands devoted mainly to the educational activities of Walla Walla Community College.

This action is taken pursuant to Notice No. WSR 79-08-113 filed with the code reviser on 7/18/79. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to chapters 28B.50 and 28B.10 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED September 20, 1979.

By Eldon J. Dietrich  
Secretary

**CHAPTER 132T-116**

**PARKING AND TRAFFIC RULES**

**WAC**

- 132T-116-010 Introduction.
- 132T-116-015 Objectives of traffic rules and regulations.
- 132T-116-020 Applicable traffic rules and regulations — Areas affected.
- 132T-116-025 Speed.
- 132T-116-030 Regulatory signs and directions.
- 132T-116-035 Pedestrians' right-of-way.

132T-116-040 Impounding — Illegal parking — Disabled or inoperative or abandoned vehicles.

132T-116-045 Special traffic and parking regulations and restrictions authorized.

132T-116-050 Delegation of Authority.

NEW SECTION

WAC 132T-116-010 **INTRODUCTION:** Walla Walla Community College District No. 20 hereby establishes these regulations to govern pedestrian and vehicular traffic and parking upon state lands devoted mainly to the educational activities of Walla Walla Community College.

NEW SECTION

WAC 132-116-015 **OBJECTIVES OF TRAFFIC RULES AND REGULATIONS.** The objectives of these traffic regulations are:

- (1) To protect and control pedestrian and vehicular traffic,
- (2) to assure access at all times of emergency equipment,
- (3) to minimize traffic disturbances during class hours,
- (4) to facilitate the work of the college by assuring access to its vehicles and by assigning the limited parking space for the most efficient use.

NEW SECTION

WAC 132T-116-020 **APPLICABLE TRAFFIC RULES AND REGULATIONS — AREAS AFFECTED.** The traffic regulations which are applicable upon state lands devoted mainly to the educational activities of the college are as follows:

- (1) The motor vehicle and other traffic laws of the State of Washington shall be applicable upon all lands located within the State of Washington.
- (2) The traffic code of Walla Walla County, Washington, shall be applicable upon all lands located within Walla Walla County, Washington.
- (3) The traffic code of the City of Walla Walla, Washington, shall be applicable upon all lands located within the City of Walla Walla, Washington.
- (4) These regulations shall be applicable to all state lands which are or may hereafter be devoted mainly to educational, research, recreational, or parking activities of the college.

NEW SECTION

WAC 132T-116-025 **SPEED.** No vehicle shall be operated on the campus at a speed in excess of twenty (20) miles per hour unless otherwise posted or such lower speed as is reasonable and prudent in the circumstances.

NEW SECTION

WAC 132T-116-030 **REGULATORY SIGNS AND DIRECTIONS.** Drivers of vehicles shall obey

regulatory signs posted by the college. Drivers of vehicles shall also comply with directions given them by officers of the college in the control and regulation of traffic.

#### NEW SECTION

**WAC 132T-116-035 PEDESTRIANS' RIGHT-OF-WAY.** (1) The operator of a vehicle shall yield right-of-way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk.

#### NEW SECTION

**WAC 132T-116-040 IMPOUNDING — ILLEGAL PARKING — DISABLED OR INOPERATIVE OR ABANDONED VEHICLES.** (1) Vehicles which have been disabled, inoperative or abandoned may be impounded and stored following 24 hours notice posted at a conspicuous place on the vehicle.

(2) Impoundment Without Notice: A vehicle may be impounded without notice to the owner or operator in the following circumstances:

(a) When in the judgment of the president of the college the vehicle is obstructing or may impede the flow of traffic; or

(b) When in the judgment of the president of the college the vehicle poses an immediate threat to public safety; or

(c) When a non-handicapped operator parks the vehicle in a designated area reserved for the handicapped.

(3) Impounding may be implemented by mechanical restraints to vehicles or by towing to an approved impounding agency or to another designated area of the college's parking lot.

(4) Towing companies and/or impounding agencies will be selected on the basis of criteria developed by the college.

(5) Any vehicle impounded shall be at the owner's and/or the operator's risk an expense.

(6) Neither the college nor its employees shall be liable for loss or damage of any kind resulting from impounding and storage.

#### NEW SECTION

**WAC 132T-116-045 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED.** Upon special occasions causing additional heavy traffic and during emergencies, the president of the college is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives in WAC 132T-116-015.

#### NEW SECTION

**WAC 132T-116-050 DELEGATION OF AUTHORITY.** The authority and powers conferred upon the president by these regulations shall be subject to delegation by him to his subordinates.

#### **WSR 79-10-129**

#### **NOTICE OF PUBLIC MEETINGS WHATCOM COMMUNITY COLLEGE [Memorandum, President—October 1, 1979]**

The Board of Trustees has made two changes in their 1979 meeting schedule. They are:

A special meeting (executive session only) will be held on November 29 at 10:00 a.m. at the home of Board Chairman Hite, 801 17th Street, Bellingham, WA., and the December 27, 1979 regular Board meeting has been cancelled.

#### **WSR 79-10-130**

#### **PROPOSED RULES DEPARTMENT OF LABOR AND INDUSTRIES [Filed October 2, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 18.37.130, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning these additional rules will be added to chapter 296-401 WAC to implement the new additions and amendments to chapter 18.37 RCW, the electrical licensing law.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

Correspondence relating to this notice and the proposed rules should be addressed to:

Walter G. Campbell  
Assistant Director  
Department of Labor and Industries  
300 West Harrison  
Seattle, Washington 98119;

that such agency will at 10:00 a.m., Tuesday, November 6, 1979, in the Labor and Industries Seattle Office, 300 West Harrison, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, November 20, 1979, in the Seattle Office of the Department of Labor and Industries, 300 West Harrison.

The authority under which these rules are proposed is RCW 18.37.130.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1979, and/or orally at 10:00 a.m., Tuesday, November 6, 1979, Seattle Office of the Department of Labor and Industries, 300 West Harrison, Seattle, WA 98119.

Dated: September 28, 1979

By: James T. Hughes  
Director

#### NEW SECTION

**WAC 296-401-060 SPECIALTY CERTIFICATES.** The department shall issue specialty electrician's certificates of competency in the following areas of electrical work:

(1) Residential. The holder of a residential certificate is limited to wiring one- and two-family dwellings, or multi-family dwellings that do not exceed three floors above grade. All wiring shall be in nonmetallic sheathed cable, except service and feeder wiring.

(2) Domestic Appliances. The holder is limited to the electrical connection of domestic appliances and their wiring, such as hot water heaters, ranges, dishwashers, clothes dryers, oil and gas furnaces, and similar appliances. The holder may also install the circuits to domestic appliances but may not install service or feeder wires.

(3) Pump and Irrigation. The holder is limited to the electrical connection of domestic and irrigation water pumps, circular irrigating systems, and related pumps and pump houses. The holder may also install the circuits, feeders, controls, and services necessary to supply electricity to the pumps.

(4) Limited Energy System. The holder is limited to installing signaling circuits, power limited circuits, and related equipment. Such equipment includes fire protection signaling systems, intrusion alarms, nonutility-owned communication systems, and similar low energy circuits and equipment.

(5) Signs. The holder is limited to placing and connecting signs and outline lighting and their electrical supply, controls, and associated circuit extensions.

#### NEW SECTION

**WAC 296-401-070 ELIGIBILITY FOR SPECIALTY EXAMINATION.** A person holding an electrical learner certificate who has:

(1) Been employed under the direct supervision of a journeyman electrician for four years, or who has completed a four year apprenticeship program in electrical construction that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training, shall be eligible to take the examination for any of the specialty certificates of competency listed in WAC 296-401-060; or

(2) Been employed for two years under the direct supervision of a journeyman or specialty electrician working in one of the specialties listed in WAC 296-401-060 shall be eligible to take the examination for the specialty in which he or she has been trained.

#### NEW SECTION

**WAC 296-401-080 ELIGIBILITY FOR JOURNEYMAN'S EXAMINATION.** A person holding an electrical learner certificate who has been employed under the direct supervision of a journeyman electrician for four years, or who has completed a four year apprenticeship program in electrical construction that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training, shall be eligible to take the examination for a journeyman's certificate of competency.

#### NEW SECTION

**WAC 296-401-090 STATUS OF PERSON WHO HAS FAILED AN EXAMINATION FOR A JOURNEYMAN CERTIFICATE OF COMPETENCY.** (1) A person who fails an examination for a journeyman's certificate of competency may take a 90 day refresher course.

(2) If a person taking a refresher course is an electrician coming into Washington from another state, the department may issue the person a temporary permit to work as a journeyman electrician.

(3) If a person taking a refresher course is not an electrician coming into Washington from another state, the person shall have the status of a fourth year learner and may work without supervision.

(4) If any person refuses to take the refresher course, or finishes the refresher course and again fails the examination, that person shall have the status of a fourth year learner; however, that person may not work without supervision until he or she passes an examination for a journeyman or specialty certificate of competency.

#### NEW SECTION

**WAC 296-401-100 COMPUTATION OF YEARS OF EMPLOYMENT.** (1) For the purposes of RCW 18.37.040, 1800 hours of employment shall be considered one year of employment.

(2) A person who is in an apprenticeship program in electrical construction that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training shall be considered to have completed 1800 hours (one year) of employment if the registering agency for his or her apprenticeship program certifies that the individual has completed a year of training in the program.

(3) A person who has completed a four year apprenticeship program in electrical construction that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training shall be considered to have completed 7200 hours (four years) of employment.

(4) A person who has completed a two year apprenticeship program in an electrical specialty that is registered with the State Apprenticeship Council or the Federal Bureau of Apprenticeship and Training shall be considered to have completed 3600 hours (two years) of employment.

#### NEW SECTION

**WAC 296-401-110 PREVIOUS EXPERIENCE CREDIT.** A person who is applying for an electrical learner certificate who has already worked in electrical construction before September 1, 1979 shall receive credit for all electrical work previously performed toward the hours required for the examination.

#### NEW SECTION

**WAC 296-401-120 ELECTRICAL LEARNER CERTIFICATES.** (1) The department shall issue separate electrical learner certificates for the first, second, third, and fourth years of training. If a person has less than 1800 hours of employment in electrical construction, the department shall give the individual a first year certificate; if more than 1799 but less than 3600 hours, a second year certificate; if more than 3599 but less than 5400 hours, a third year certificate; and if more than 5399 hours, a fourth year certificate.

(2) A holder of an electrical learner certificate may apply for the next year's certificate whenever he or she has sufficient hours of employment.

(3) A holder of an electrical learner certificate may apply for authorization to work without supervision if he or she has over 6299 hours of employment.

#### NEW SECTION

**WAC 296-401-130 ANNUAL RENEWAL OF ELECTRICAL JOURNEYMAN, SPECIALTY, AND LEARNER CERTIFICATES.** (1)(a) Each holder of a journeyman's or specialty electrician's certificate of competency must renew his or her certificate on or before July 1 each year. A fee of fifteen dollars is required upon renewal.

(b) A person who does not renew his or her certificate by July 1 must apply for and retake the examination for the specialty or journeyman electrician's certificate of competency. An application for renewal that is not received by July 1 shall be considered an application to take the examination.

(2) Each holder of an electrical learner certificate must renew his or her certificate annually on or before the date the certificate was issued, regardless of the number of hours the holder worked that year. A fee of five dollars is required upon renewal.

#### NEW SECTION

**WAC 296-401-140 SUPERVISION OF LEARNERS IN THE ELECTRICAL TRADE.** A person holding a learner certificate



(learner) shall be considered under the direct supervision of a supervising electrician when the supervising electrician is within 500 feet of the learner or can directly see and hear the learner. The supervising electrician must examine the learner's electrical work and require the learner to correct any work that does not conform to the applicable electrical code or is otherwise not acceptable.

#### NEW SECTION

**WAC 296-401-150 JOB SITES.** Identifiable sub-parts of a major construction project may be considered separate job sites for the purposes of RCW 18.37.020(3). The department's decision as to whether a sub-part shall be considered a separate job site shall be based on the physical size of the project, the ease of communication between various areas of the project, the manner in which the work on the project is organized, and any other relevant factors.

#### NEW SECTION

**WAC 296-401-160 PENALTIES FOR FALSE STATEMENTS OR MATERIAL MISREPRESENTATION.** All applications required under chapter 18.37 RCW, and the annual statement of hours of employment required under RCW 18.37.020, shall be made under oath. A person who knowingly makes a false statement or material misrepresentation on an application or statement may be referred to the county prosecutor for criminal prosecution under RCW 9A.72.020, 9A.72.030, and 9A.72.040. The department may also file a civil action under RCW 18.37.150 and may subtract up to 900 hours of employment from a learner's total hours.

#### NEW SECTION

**WAC 296-401-170 ENFORCEMENT.** (1) The department shall ensure that employers and employees subject to chapter 18.37 RCW comply with that chapter and chapter 296-401 WAC by inspecting electrical job sites. The inspections shall be made by the department's compliance officers.

(2) The compliance officer shall determine whether:

(a) Each person doing electrical work on the job site has a proper journeyman, specialty, or learner certificate;

(b) The ratio of the certified journeymen electricians to the certified learners on the job site is correct; and

(c) Each certified learner is directly supervised by an individual with a journeyman or specialty certificate of competency.

(3) If the compliance officer determines that an employer or employee has violated chapters 18.37 RCW or 296-401 WAC, the department shall:

(a) Issue a notice of violation that describes the reason the employer or employee has violated chapters 18.37 RCW or 296-401 WAC;

(b) Inform the Electrical Inspection Section and the electric utility that the electrical work on the job site violates chapters 18.37 RCW or 296-401 WAC pursuant to the authority granted in RCW 18.37.150. The Electrical Inspection Section shall prohibit the connection of electrical service and the utility shall not connect the electrical service until the department is satisfied that the electrical work complies with chapters 18.37 RCW and 296-401 WAC.

(c) Ask the Attorney General to begin an action to collect the civil penalties provided for in RCW 18.37.150; and

(d) Issue a cease and desist order that forbids future conduct that is similar to the violation. The order shall take effect immediately when it is received by the employer or employee to whom it is directed.

(4) The employer or employee to whom a cease and desist order is directed may request a hearing pursuant to WAC 296-401-180; however, the request shall not stay the effect of the order. If the employer or employee disobeys the cease and desist order, the department shall apply to the superior court for a court order enforcing the cease and desist order. If the employer or employee disobeys the court order, the department shall request the Attorney General to apply to the superior court for an order holding the employer or employee in contempt of court.

#### NEW SECTION

**WAC 296-401-180 HEARING PROCEDURE.** An employer or employee to whom a cease and desist order is directed, and a person who is aggrieved by the department's denial of a learner, journeyman, or specialty certificate, or the opportunity to take an examination for a certificate, may request a hearing within 10 days from receipt of the cease and desist order or the denial. The department shall appoint a

person to preside over the hearing. The appeal shall be held in conformance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW.

#### NEW SECTION

**WAC 296-401-190 EXAMINATION SUBJECTS FOR SPECIALTY'S AND JOURNEYMAN'S CERTIFICATES OF COMPETENCY.** The following subjects are among those that may be included in the examination for a certificate of competency. The list is not exclusive, and the test may also contain subjects not in the list.

#### APPENDIX A – JOURNEYMAN ELECTRICIAN EXAMINATIONS

##### BASED ON THE ITEMS LISTED BELOW:

AC – Generator; Three-phase; Meters;  
Characteristics of; Power in AC  
Circuits (Power Factor); Mathematics of AC Circuits  
Air Conditioning – Basic  
Blueprints – Surveys and plot plans;  
Floor Plans; Service & Feeders;  
Electrical Symbols; Elevation Views;  
Plans Views  
Building Wire – Sizes  
Cable Trays  
Calculations  
Capacitive Reactance  
Capacitor – Types; In Series and Parallel  
Circuits – Series; Parallel; Combination;  
Basic; Branch; Outside Branch Circuits;  
Calculations  
Conductor – Voltage Drop (line loss); Grounded  
Conduit – Wiring Methods  
DC – Generator; Motors; Construction of Motors;  
Meters  
Definitions  
Electrical Units  
Electron Theory  
Fastening Devices  
Fire Alarms – Introduction to; Initiating  
Circuits;  
Fuses  
Generation – Principles of;  
Grounding  
Incandescent Lights  
Inductance – Introduction to; reactance  
Insulation – Of Wire;  
Mathematics – Square Root; Vectors; Figuring  
Percentages  
Motors – Motors vs. Generators/CEMF; Single Phase;  
Capacitor; Repulsion; Shaded Pole; Basic Principles  
of AC Motors;  
Ohm's Law  
Power  
Power Factor – AC Circuits; Correction of; Problems;  
Rectifiers  
Resistance – Of Wire;  
Rigging  
Safety – Electrical Shock  
Services  
Three-Wire System  
Tools  
Transformers – Principles of; Types; Single;  
Phase; Three-Phase Connections;  
Voltage Polarity Across a Load  
Wiring Methods – Conduit; General;  
Wiring Systems – Less than 400 volts; 480/277  
Volts; Three-Phase Delta; Distribution;

#### APPENDIX B – SPECIALTY RESIDENTIAL ELECTRICIAN EXAMINATIONS BASED ON ITEMS LISTED BELOW:

AC – Meters  
Blueprints – Residential Plans; Floor Plans;  
Service and Feeders;  
Calculations  
Circuits – Series; Parallel; Combination;  
Basic; Outside Branch;

Conductor - Voltage Drop (line loss); Grounded;  
 Aluminum  
 Conduit - Wiring Methods  
 Electrical Units  
 First Aid  
 Fuses  
 General Lighting  
 Grounding - Conductors  
 Insulation of Wire  
 Ladder Safety  
 Mathematics - Figuring Percentage  
 Ohm's Law  
 Overcurrent Protection  
 Resistance - of Wire  
 Services  
 Sizes of Building Wire  
 Three-Wire System  
 Tools  
 Transformer - Ratios; Single-Phase

Land Quality	Accessi- bility & Topography	Western Washington <sup>1</sup>	Eastern Washington <sup>2</sup>
AVERAGE	Favorable	97.00	35.00
	Average	82.00	29.00
	Difficult	53.00	22.00
	Inoperable	3.00	1.00
POOR	Favorable	55.00	15.00
	Average	45.00	14.00
	Difficult	29.00	10.00
	Inoperable	1.00	1.00

<sup>1</sup>For Western Washington: All private land lying west of the Summit of the Cascade Range of mountains.

<sup>2</sup>For Eastern Washington: All private land lying east of the Summit of the cascade Range of mountains.

**WSR 79-10-131**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 84.33.120, that the Department of Revenue intends to adopt, amend or repeal rules concerning Forest Land Values - 1980, new WAC 458-40-19103;

that such agency will at 10:00 a.m., Tuesday, November 6, 1979, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Thursday, November 29, 1979, in the Director's Office, 415 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 84.33.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 6, 1979, and/or orally at 10:00 a.m., Tuesday, November 6, 1979, General Administration Building, Olympia, Washington 98504.

Dated: October 3, 1979  
 By: Charles W. Hodde  
 Director

**WSR 79-10-132**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides in Spokane County in WAC 16-230-420, 16-230-430 and 16-230-440;

that such agency will at 1:30 p.m., Wednesday, November 28, 1979, in the Spokane County Extension meeting room, 222 North Havana, Spokane, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 1:30 p.m., Wednesday, November 28, 1979, Spokane County Extension meeting room, 222 North Havana, Spokane.

Dated: October 2, 1979  
 By: Bob J. Mickelson  
 Director

**NEW SECTION**

**WAC 458-40-19103 FOREST LAND VALUES - 1980.** The true and fair values, per acre, for each grade of forest land for the 1979 assessment year are determined to be as follows:

1980  
**FOREST LAND VALUES**

Land Quality	Accessi- bility & Topography	Western Washington <sup>1</sup>	Eastern Washington <sup>2</sup>
GOOD	Favorable	\$135.00	57.00
	Average	115.00	49.00
	Difficult	75.00	38.00
	Inoperable	5.00	1.00

**AMENDATORY SECTION** (Amending Order 1585, filed December 20, 1978)

**WAC 16-230-420 AREA 2.** (1) This area includes all lands lying within a boundary line starting at the intersection of U.S. Highway 2 and Wood Road; thence northerly 2 miles more or less along Wood Road to its intersection with Mission Road; thence easterly along Mission Road and the extending section line 4 miles more or less to Deno Road; thence easterly along Deno Road 4 miles more or less to Hayford Road; thence northerly along Hayford Road and the extending section line boundary 8 miles more or less to the northwest corner of Section 6, R42E, T26N; thence easterly 18 miles more or less along the township line between T26N and T27N to the northwest corner of Section 6, R45E, T26N; thence northerly 2 miles more or less along the section boundary line to the northwest corner of Section 30, R45E, T27N; thence easterly 6 miles to the Idaho-Washington border; thence southerly 14 miles more or less to the township boundary between T25N and T24N; thence westerly 6 miles more or less to the southwest corner of Section 31, R45E, T25N; thence south 1 miles more or less along Chapman Road to the southeast corner of Section 1, R44E,

T24N; thence westerly 13 miles more or less to the Cheney-Spokane Road; thence southwesterly 2 miles more or less to the common boundary line between Section 15 and Section 14, R42E, T24N; thence southerly 1.5 miles more or less to the southeast corner of Section 22, R42E, T24N; thence westerly 1.5 miles more or less to the Cheney-Spokane Highway; thence southerly 3 miles more or less along the Cheney-Spokane Highway to the common boundary line between Section 5 and Section 6, R42E, T23N; thence southerly 3 miles more or less to the southeast corner of Section 19, R42E, T23N; thence westerly 3 miles more or less to the southwest corner of Section 23, R41E, T23N; thence northerly along the section line 1.5 miles more or less to the Salnave Road; thence northwesterly along the Salnave Road 7 miles more or less to its intersection with the Medical Lake-Tyler Road; thence northerly .5 mile more or less to Gray Road; thence westerly .5 mile more or less to Ladd Road; thence northerly 6 miles more or less to Thorpe Road; thence easterly 1 mile more or less to Espanola Road; thence northerly 2 miles more or less to the point of beginning.

(2) Area 2 restrictions:

(a) On and after May 1 through October ((+5)) 31, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.036 inches.

(b) For Roadside and Right-of-Way application drift reduction type systems such as directo-spray, raindrop or invert systems must be used.

(c) The use or application of low volatile ester formulations of restricted use herbicides is prohibited from May 1 through October ((+5)) 31; PROVIDED, That the department, upon written request, may issue a permit for the use of low volatile formulations for special weed control.

(d) The application of restricted use herbicides is prohibited from three hours prior to sunset to sunrise the next day; PROVIDED, That lawn and turf residential weed control, using nonvolatile formulations are exempt from the evening cutoff.

(e) On and after May 1 through October 31, the aerial application of restricted use herbicides ~~(is prohibited within Area 2. PROVIDED, That the department may issue a special permit, upon written request, for special weed control)~~ shall be allowed using Caution Area Restrictions (see WAC 16-230-675).

(f) Restricted use herbicides shall not be applied on or after May 1 through October ((+5)) 31 when the temperature is 85° or above at the point of application.

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

**AMENDATORY SECTION** (Amending Order 1585, filed December 20, 1978)

WAC 16-230-430 AREA 3. (1) An area within a distance of one mile of the city limits of incorporated cities and towns and the same distance from the center of any unincorporated town comprised of ten or more inhabited, closely grouped residences within Area 4 exclusive of Area 2.

(2) Area 3 restrictions:

(a) The aerial application of restricted use herbicides is prohibited within Area 3; PROVIDED, That the department, upon written request, may issue a permit to allow application of non-volatile formulations of restricted use herbicides within 1/2 mile to one mile of the city limits of incorporated towns and cities and ~~(within)~~ up to 1/2 mile of the center of any unincorporated towns comprised of 10 or more inhabited, closely grouped residences.

(b) On and after May 1 through October ((+5)) 31, aerial application shall be made using the Danger Area Restrictions ~~((see Order 1508, Regulation 11))~~ (see WAC 16-230-675).

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

**AMENDATORY SECTION** (Amending Order 1585, filed December 20, 1978)

WAC 16-230-440 AREA 4. (1) All remaining lands in Spokane County.

(2) Area 4 restrictions:

(a) On and after May 1 through October ((+5)) 31, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October ((+5)) 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions ~~((see Order 1508, Regulation 11))~~ (see WAC 16-230-675).

**WSR 79-10-133**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning state restricted use pesticides in WAC 16-228-162 and 16-228-165;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

**NEW SECTION**

WAC 16-228-162 HIGH VOLATILE ESTER AND DUST FORMULATIONS PROHIBITED. The distribution, use and application of all high volatile ester and dust formulations of restricted use herbicides shall be prohibited throughout the state.

**AMENDATORY SECTION** (Amending Order No. 1538, filed July 29, 1977)

WAC 16-228-165 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY — REQUIREMENTS FOR USER PERMITS. (1) The following pesticides are hereby declared to be state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator (refer to definition of "direct supervision"). Any EPA restricted use pesticide not listed shall be distributed and used only under these restrictions:

- (a) Azodrin
- (b) Bidrin
- (c) DDD and DDT (for essential uses determined by law)
- (d) DiSyston - Liquid
- (e) Endrin - 2.5% and above
- (f) Parathion & Methyl Parathion - 1.1% and above
- (g) Phosdrin
- (h) Schradan (OMPA)
- (i) Sodium Arsenite
- (j) Systox (Demeton)
- (k) Temik
- (l) TEPP

(m) Thimet (Phorate) - Liquid  
 (n) Tordon 22K - For use on rangeland and permanent grass pastures east of the crest of the Cascade Mountains.

(o) 2,4-D - All formulations distributed in packages of over 1 gallon to be used in counties located east of the crest of the Cascade Mountains. Pesticide dealers shall be required to ((furnish)) made available to the purchaser ((with)) a copy of the regulations covering the use of 2,4-D in the area in which the material will be applied.

(p) Zinophos

(2) User Permits will be furnished by the Washington State Department of Agriculture pesticide branch and may be issued by a licensed pesticide dealer.

(3) A certified private applicator or private-commercial applicator may list on his permit the name or names of authorized agent(s) for the purpose of purchasing or receiving above listed pesticides.

(4) Permits shall be on a form furnished by the director and shall include the following:

- (a) Permit number
- (b) Date of issuance
- (c) Name and address of the certified applicator
- (d) Crops and acreage to which the pesticides will be applied
- (e) Name of authorized agent(s)
- (f) Any other information prescribed by the director.

(5) A copy of the permit shall be issued to the certified applicator and a duplicate shall be retained by the pesticide dealer. Permits shall expire on December 31 of each year.

(6) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving the restricted use pesticide listed in WAC 16-228-165 (1) by making previous arrangements with the pesticide dealer or the authorized agent provides written authorization to the dealer at the time of purchase. At the time of purchase, the pesticide dealer shall require the certified applicator's name and license or certification number.

(7) Licensed dealers shall keep records on each sale of these restricted use pesticides which shall include the following:

- (a) Name and address of the certified applicator
- (b) Applicator or operator certified or license number
- (c) Name of authorized agent
- (d) Date of purchase
- (e) Brand and specific pesticide name
- (f) Percent active ingredient or pounds active ingredient per gallon
- (g) For DDT & DDD - rate of formulation to be applied per acre
- (h) Amount sold
- (i) Crop to which pesticide will be applied.

(8) Pesticide dealers shall keep permits and dealer records for a period of one year from the date of issuance and the director shall have access to these records upon request.

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

**WSR 79-10-134**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Adams County in WAC 16-231-300, 16-231-305, 16-231-310, 16-231-315, 16-231-320, 16-231-325, 16-231-330, 16-231-335, 16-231-340 and 16-231-345;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
 Director

NEW SECTION

WAC 16-231-300 AREA UNDER ORDER: All lands lying within the border of Adams County.

NEW SECTION

WAC 16-231-305 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

NEW SECTION

WAC 16-231-310 OIL-TYPE CARRIERS: On and after May 16 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

NEW SECTION

WAC 16-231-315 AREA 1. (1) Area 1 description. (Lands generally lying within the Columbia Basin Irrigation Project east of Warden and in the Othello area.) An area starting at the intersection of the East Low Canal and Grant-Adams County line in Section 18, T18N, R31E; thence southerly along the East Low Canal to the intersection of the East Low Canal and the Grant-Adams County line near the southwestern corner of Section 17, T17N, R31E; thence north six miles more or less to the point of beginning; and also all lands within a line starting at the intersection of the East Low Canal and the Grant-Adams County line near the corner of Section 6, T16N, R30E; thence southeasterly along the East Low Canal to the Adams-Franklin County line and the southwest corner of Section 31, T15N, R28E; thence north along the Grant-Adams County line twelve miles and then east thirteen miles more or less to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Danger Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-320 AREA 2. (1) Area 2 description. (Buffer area east of Area 1.) This area includes all of the lands in Adams County lying east of Area 1, to a north-south line starting at the northeast corner of Section 5, T20N, R31E and the Batum Road; thence south along the Batum Road to Interstate 90; thence west one mile to Schrag; thence south along the Schrag Road three miles; thence east one mile; thence south fourteen miles to the Cunningham Road; thence

east along the Cunningham Road nine miles more or less to the north-east corner of Section 3, T15N, R33E (Jantz Road); thence south along the Jantz Road six miles to the Adams-Franklin County line.

(2) Area 2 restrictions.

(a) On and after May 1 through October 31, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-325 AREA 3. (1) Area 3 descriptions. This area includes all lands lying east of Area 2 to a north-south line starting at the northwest corner of Section 4, T20N, R33E; thence east on the Lincoln-Adams county line for twenty miles more or less to the north-east corner of Section 3, T20N, R35E in Ritzville; thence south for nine miles more or less to the southeast corner of Section 15, T19N, R35E; thence southeast to the southeast corner of Section 23, T19N, R35E; thence south on state Highway 261 for twenty-five miles to the town of Washuena located in Section 28, T15N, R36E; thence south on Highway 260 two miles more or less southwest to the Adams-Franklin county line; thence west on the Adams-Franklin county line for fifteen miles more or less to the southwest corner of Section 35, T15N, R33E.

(2) Area 3 restrictions.

(a) On and after May 16 through October 31, the use and application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-330 AREA 4. (1) Area 4 description. Outlying area east of Area 3.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-335 AERIAL APPLICATIONS NEAR VINEYARDS. Aerial applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard in the area under order: PROVIDED, That aerial application of restricted use herbicides to lands located within one-half mile to one mile from commercial vineyards shall be considered through written request to the state department of agriculture.

#### NEW SECTION

WAC 16-231-340 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 3 and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over twelve miles per hour on and after November 1 through April 15 of the following year; and over ten miles per hour from April 16 through October 31: PROVIDED, That application of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

#### NEW SECTION

WAC 16-231-345 The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-675.

### WSR 79-10-135

#### PROPOSED RULES

### DEPARTMENT OF AGRICULTURE

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Walla Walla County in WAC 16-232-001, 16-232-005, 16-232-010, 16-232-015, 16-232-020, 16-232-025, 16-232-030, 16-232-035 and 16-232-040;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

#### NEW SECTION

WAC 16-232-001 AREA UNDER ORDER: All lands lying within the border of Walla Walla County.

#### NEW SECTION

WAC 16-232-005 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

#### NEW SECTION

WAC 16-232-010 AREA 1. (1) Area 1 description. (Columbia River Buffer Area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N, R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, aerial applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-232-015 AREA 2. (1) Area 2 description. (Walla Walla and vicinity, Dixie, Waitsburg, and Prescott areas). Those areas lying within a 1 mile radius from the center of the town of Dixie and within 1 mile of the city limits of the towns of Waitsburg and Prescott and an area starting at the Washington-Oregon state line and the southeast corner of Section 16, T6N, R36E; thence north one mile more or less to the southwest corner of Section 3, T6N, R36E; thence

east 2 miles to the southeast corner of Section 2, T6N, R36E; thence north 3 miles to the southwest corner of Section 24, T7N, R36E; thence east 1 mile to the southeast corner of Section 24, T7N, R36E; thence north 1 mile to the southwest corner of Section 18, T7N, R37E; thence east 1 mile to the southeast corner of Section 18, T7N, R37E; thence north 1 mile to the northeast corner of Section 18, T7N, R37E; thence west 9 miles to the northwest corner of Section 14, T7N, R35E; thence south 1 mile to the northwest corner of Section 23, T7N, R35E; thence west 1 mile to the northwest corner of Section 22, T7N, R35E; thence south to State Road 410; thence westerly along State Road 410 to the York Road and south along the York and Saver Road to the Frog Hollow Road; thence east along the Frog Hollow Road to the Locker Road; thence south along the Locker Road to the Washington-Oregon state line; thence east along the state line to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited on and after April 15 through October 31: PROVIDED, That the aerial application of MCPA shall be allowed using Warning Area Restrictions (see WAC 16-230-675): PROVIDED FURTHER, That aerial application of non-volatile formulations of restricted use herbicides from 1/2 to 1 mile of the center of the town of Dixie and from the city limits of Waitsburg, Prescott and Walla Walla shall be considered through written request to the State Department of Agriculture.

(d) Restrictions on the use of airstrips. The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield or any location within Area 2: PROVIDED, That the municipal airport located northeast of Walla Walla shall not be subject to this provision.

#### NEW SECTION

WAC 16-232-020 AREA 2A. (1) Area 2A description. (Buffer area surrounding Walla Walla.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N, R32E; thence north six miles more or less to the northwest corner of Section 14, T7N, R32E; thence east ten miles more or less to the southwest corner of Section 9, T7N, R34E; thence north one mile to the northwest corner of Section 9, T7N, R34E; thence east two miles to the southwest corner of Section 2, T7N, R34E; thence north one mile to the northwest corner of Section 2, T7N, R34E; thence east 2 miles to the southwest corner of Section 31, T8N, R35E; thence north 6 miles to the northwest corner of Section 6, T8N, R35E; thence east 24 miles to and along the Columbia-Walla Walla county line to the northeast corner of Section 1, T8N, R38E; thence south 14 miles more or less to the Washington-Oregon state line and west to the point of beginning.

(2) Area 2A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That 2,4-DB shall be allowed on alfalfa seed crops at any time.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-232-025 AREA 3. (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 15 through October 31.

(b) On and after May 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-232-030 AERIAL APPLICATION NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That aerial application of restricted use herbicides to lands located within 1/2 to one mile from commercial vineyards shall be considered through written request to the State Department of Agriculture.

#### NEW SECTION

WAC 16-232-035 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 2A and 3 when the mean sustained wind velocity is over 12 miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 1 and 2 on and after April 5 through October 31 when the mean sustained wind velocity is over 7 miles per hour.

#### NEW SECTION

WAC 16-232-040 The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.

### WSR 79-10-136

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Douglas and Chelan Counties in WAC 16-231-800, 16-231-805, 16-231-810, 16-231-815, 16-231-820, 16-231-825, 15-231-830[16-231-830], 16-231-835, 16-231-840 and 16-231-845;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

#### NEW SECTION

WAC 16-231-800 AREA UNDER ORDER: All lands lying within the borders of Douglas and Chelan Counties.

**NEW SECTION**

**WAC 16-231-805 RESTRICTED USE HERBICIDES:** All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

**NEW SECTION**

**WAC 16-231-810 AREA 1.** (1) Area 1 description - Chelan County. An area starting at the southeast corner of Section 32, T21N, R22E; thence west one mile to the southwest corner of Section 32; thence north five miles more or less to the right-of-way of the Malaga Road; thence along and including the Malaga Road right-of-way to the city limits of Wenatchee; thence east to the Columbia River, and along the west bank of the Columbia River to the point of beginning.

(2) Area 1 description - Douglas County. An area on the east bank of the Columbia River, beginning at the southwest corner of Section 33, T21N, R22E; thence east one mile to the southeast corner of Section 33, thence north one mile to the southwest corner of Section 27; thence east one mile to the southeast corner of Section 27; thence north one mile to the southwest corner of Section 23; thence east one mile to the southeast corner of Section 23; thence north one mile to the northeast corner of Section 23; thence west one mile to the northwest corner of Section 23; thence north one mile to the northeast corner of Section 15; thence west one mile to the northwest corner of Section 15; thence north two miles to the northeast corner of Section 4; thence west one mile more or less to and including the right-of-way of State Road 28; thence northwest along the highway right-of-way to the east section line of Section 25, T22N, R21E; thence north five miles more or less to the northeast corner of Section 1, T22N, R21E; thence west eight miles more or less to the east bank of the Columbia River; thence southeasterly along the east bank of the Columbia River to the point of beginning.

(3) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aerial applications of restricted use herbicides shall be made using the Danger Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-815 AREA 2.** (1) Area 2 description. (Buffer area - A protective area around Azwell, Manson, and the mouth of the Moses-Coulee.)

(a) Chelan County - Those areas lying within a one mile radius from the center of the towns of Azwell and Manson. Sections 13, 14, 15 and 16, T28N, R21E.

(b) Douglas County - (Moses-Coulee and Bridgeport area.) Sections 1, 2, 3, 10, 11, 12, 13, 14, 24, 25, 26, 34, 35, and 36, T21N, R22E, and Sections 1, 2, 3, 4, 9, 10, 11, 12 and those portions of Sections 13, 14, 15 and 16, T20N, R22E.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-820 AREA 3.** (1) Area 3 description. (Buffer area between Rock Island and Palisades.) An area starting at the northwest corner of Section 6, T22N, R22E; thence east along the township line twelve miles to the Douglas-Grant county line; thence southwesterly along the county line to the east boundary line of Area 2; thence north and west along the Area 2 boundary line to the Area 1 boundary line; thence northerly along the Area 1 boundary line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-825 AREA 4.** (1) Area 4 description. All remaining lands in Douglas County.

(2) Area 4 restrictions. On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-830 RESTRICTIONS ON AIRCRAFT.** The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

**NEW SECTION**

**WAC 16-231-835 AERIAL APPLICATIONS NEAR VINEYARDS.** Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard in the area under order: PROVIDED, That aerial application of restricted use herbicides to lands located within 1/2 mile to one mile from commercial vineyards shall be considered through written request to the State Department of Agriculture.

**NEW SECTION**

**WAC 16-231-840 WIND CONDITIONS.** The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over 12 miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over 12 miles per hour on and after November 1 through April 15 of the following year, and over 7 miles per hour from April 16 through October 31.

**NEW SECTION**

**WAC 16-231-845** The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.

**WSR 79-10-137****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Garfield County in WAC 16-232-200, 16-232-205, 16-232-210, 16-232-215, 16-232-220, 16-232-225 and 16-232-230;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.



Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

#### NEW SECTION

WAC 16-232-200 AREA UNDER ORDER. All lands lying within the boundaries of Garfield County.

#### NEW SECTION

WAC 16-232-205 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

#### NEW SECTION

WAC 16-232-210 AREA 2. (1) Area 2 description. The city of Pomeroy and those sections and partial sections lying within one mile east, one mile south and one mile west of the city limits of Pomeroy.

(2) Area 2 restrictions. (a) On and after May 1 through October 31, ground applications shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) Aerial applications of restricted use herbicides shall be prohibited.

#### NEW SECTION

WAC 16-232-215 AREA 3. (1) Area 3 description. An area starting at the intersection of the Snake River and the west boundary of Section 18, T14N, R43E; thence south to and along the Lambie Grade Road to and along the Casey Creek Road to the southeast corner of Section 8, T13N, R43E; thence east along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to the point of beginning.

(2) Area 3 restrictions. (a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 16 through August 31.

(b) On and after April 16 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 16 through October 31, aerial applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-232-220 AREA 4. (1) Area 4 description. This area includes all remaining lands in Garfield County.

(2) Area 4 restrictions. (a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-232-225 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3, and 4 when the mean sustained wind velocity is over 12 miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 2 and 3 on and after May 1 through October 31 when the mean sustained wind velocity is over 7 miles per hour.

#### NEW SECTION

WAC 16-232-230 The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-230-600 through WAC 16-230-675, WAC 16-228-165 (1) (o) and (9) and WAC 16-228-175.

## WSR 79-10-138

### PROPOSED RULES

### DEPARTMENT OF AGRICULTURE

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Lincoln County in WAC 16-232-100, 16-232-105, 16-232-110, 16-232-115, 16-232-120, 16-232-125 and 16-232-130;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

#### NEW SECTION

WAC 16-232-100 AREA UNDER ORDER. All lands lying within the borders of Lincoln County.

#### NEW SECTION

WAC 16-232-105 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides, including 2,4-D, 2,4,5-T and MCPA, are by this order declared to be restricted use herbicides.

#### NEW SECTION

WAC 16-232-110 OIL-TYPE CARRIERS. On and after May 15 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

#### NEW SECTION

WAC 16-232-115 AREA 3. (1) Area 3 description. (Outlying area - southwest of Almira and Odessa.) An area west of a line starting at the Grant-Lincoln County line and State Highway 2; thence northeasterly two miles more or less to the intersection of County Road No. 9115 and Almira; thence southerly seven miles more or less along County Road No. 1536 six miles more or less to State Highway 21; thence southerly along State Highway 21 twenty-two miles more or less to Odessa; thence south along State Highway 21 five miles more or less to the Lincoln-Adams County line.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 16 through October 31 of each year, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-232-120 AREA 4.** (1) Area 4 description. All remaining lands in Lincoln County.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-232-125 WIND CONDITIONS.** The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 12 miles per hour throughout the year.

**NEW SECTION**

**WAC 16-232-130** The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the applicable restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.

**WSR 79-10-139****PROPOSED RULES****DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Grant County in in WAC 16-231-900, 16-231-905, 16-231-910, 16-231-915, 16-231-920, 16-231-925, 16-231-930, 16-231-935 and 16-231-940;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Olympia[Pasco], Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director**NEW SECTION**

**WAC 16-231-900 AREA UNDER ORDER:** All lands lying within the boarders of Grant County.

**NEW SECTION**

**WAC 16-231-905 RESTRICTED USE HERBICIDES:** All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

**NEW SECTION**

**WAC 16-231-910 AREA 1.** (1) Area 1 description. (Lands generally within the Columbia Basin Irrigation Project.) An area starting at the southwest corner of Section 21, T14N, R27E; thence east along

the county line four miles more or less to the southwest corner of Section 24, T14N, R27E; thence north along the county line 16 miles to the southwest corner of Section 31, T17N, R28E; thence east along the county line 13 miles more or less to the East Low Canal; thence northerly and easterly along the East Low Canal to the Adams County line; thence north along the Grant-Adams County lines six miles more or less to the East Low Canal; thence northwesterly along the East Low Canal to the southeast boundary of Block 70; thence easterly, northerly, and westerly, encompassing Block 70, Soap Lake, and Block 701, to the West Main Canal; thence southwesterly along the West Main Canal to the north boundary line of Unit 1, Block 73; thence westerly along the northern boundary line of Block 73 to the northwest corner of Unit 278; then due west to the Willow Springs Draw; thence down Willow Springs Draw to the Columbia River; thence southerly and easterly along the Columbia River to the point of beginning.

(2) Area 1 restrictions. (a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 14 of the following year, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

(d) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Danger Area Restrictions (see WAC 16-230-675).

(e) On and after April 15 through October 31, aircraft application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 15 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 15 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

**NEW SECTION**

**WAC 16-231-915 AREA 2.** (1) Area 2 description. (Buffer area.) An area lying north and east of Area 1 starting at the junction of the Grant-Douglas County line and the Columbia River near Trinidad; thence north and easterly along the county line to the southwest corner of Section 35, T23N, R26E; thence east along section lines 12 miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks 14 miles more or less to the Grant-Lincoln County line; thence south along the Grant-Lincoln and Grant-Adams County line; thence 25 miles more or less to the northern boundary line of Area 1 (East Low Canal); thence northerly and westerly along the northern boundary line of Area 1 to the point of beginning; and also an area near Warden starting at the East Low Canal near the southeast corner of Section 13, T17N, R30E; thence westerly and southerly along the East Low Canal to the Grant-Adams County line near the corner of Section 32, T17N, R30E; thence east five miles and north three miles along the Grant-Adams County line to the point of beginning.

(2) Area 2 restrictions. (a) On and after May 1 through October 31, the use or application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-920 AREA 3.** (1) Area 3 description. (Outlying area.) An area starting at the intersection of the Burlington Northern Railroad tracks near the northeast corner of Section 13, T22N, R30E; thence north 19 miles more or less along the Grant County line to Highway 2; thence westerly along Highway 2 to the Douglas County

line; thence southwesterly along the Douglas County line to the southwest corner of Section 35, T23N, R26E; thence east along section lines 12 miles to Grant County Road J/NW; thence south one mile along Grant County Road J/NW to the Burlington Northern Railroad tracks near Stratford; thence easterly along the Burlington Northern Railroad tracks 14 miles more or less to the point of beginning.

(2) Area 3 restrictions. (a) On and after May 16 through October 31, the use and application of low volatile formulations of restricted use herbicides shall be prohibited.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-925 AREA 4. (1) Area 4 description. All remaining lands in Grant County lying north of Highway 2.

(2) Area 4 restrictions. On and after May 16 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-930 RESTRICTIONS ON AIRSTRIPS. The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

#### NEW SECTION

WAC 16-231-935 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 2, 3 and 4 when the mean sustained wind velocity is over 12 miles per hour throughout the year and in Area 1 when the mean sustained wind velocity is over 12 miles per hour on and after November 1 through April 15 of the following year, and over 10 miles per hour from April 16 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying 50 gallons or more per acre.

#### NEW SECTION

WAC 16-231-940 The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-230-600 through WAC 16-230-675, WAC 16-228-165(1)(o) and (9), and WAC 16-228-175.

### WSR 79-10-140

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Whitman County in WAC 16-231-500, 16-231-505, 16-231-510, 16-231-515, 16-231-520, 16-231-525, 16-231-530, 16-231-535 and 16-231-540; that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

#### NEW SECTION

WAC 16-231-500 AREA UNDER ORDER: All lands lying within the borders of Whitman County.

#### NEW SECTION

WAC 16-231-505 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

#### NEW SECTION

WAC 16-231-510 AREA 1. (1) Area 1 description. Cities and/or towns and Pullman and vicinity.) The areas within a distance of one mile of the city limits of any incorporated city or town and the same distance from the center of any unincorporated town comprised of 10 or more inhabited, closely grouped residences within Whitman County: PROVIDED, That the area under this regulation shall also include all of the lands in Section 28 through 33, T15N, R45E; Sections 25, 26, 27, 34, 35 and 36, T15N, R44E; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, T14N, R45E; Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24, T14N, R44E.

(2) Area 1 restrictions. (a) The use or application of low volatile ester formulations of restricted use herbicides shall be prohibited throughout the year: PROVIDED, That the low volatile formulation of MCPA shall be allowed on and after November 1 through April 15 of each year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-515 AREA 2. (1) Area 2 description. (Protective area between Wawawai and Bishop.) An area starting at the Snake River at Wawawai; thence southeasterly along County Road No. 512 to the east boundary line of Section 17, T13N, R44E; thence south along section lines one and one-half miles more or less to the Snake River; thence northwesterly along the Snake River to Wawawai.

(2) Area 2 restrictions. (a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restriction (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-520 AREA 3. (1) Area 3 description. (Eastern portion of Whitman County.) An area east of a north-south line starting at the Whitman-Spokane County line and State Highway 195; thence southerly along Highway 195 to Colfax; thence southerly along County Roads No. 478 and No. 141 to the junction of County Roads No. 141 and 451; thence southerly on County Road No. 451 to County Road No. 143; thence southerly along County Road No. 143 to Almeta and the Snake River.

(2) Area 3 restrictions. (a) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-525 AREA 4. (1) Area 4 description. Outlying area west of Area 3. (Rosalia, Colfax and Almota.) All remaining lands in Whitman County west of Area 3.

(2) Area 4 restrictions. (a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-530 FARM OPERATOR TO NOTIFY. The landowner or person in charge of farming operation shall notify the aerial applicator he hires of any susceptible crops planted or to be planted bordering the field to which restricted use herbicides are to be applied.

#### NEW SECTION

WAC 16-231-535 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over 12 miles per hour throughout the year: PROVIDED, That such applications shall be prohibited in Areas 1, 2, and 3 on and after April 15 through October 31 when the mean sustained wind velocity is over seven miles per hour.

#### NEW SECTION

WAC 16-231-540 The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-230-600 through 16-230-675, WAC 16-228-165(1)(o) and (9), and WAC 16-228-175.

### **WSR 79-10-141**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Klickitat County in WAC 16-231-600, 16-231-605, 16-231-610, 16-231-615, 16-231-620, and 16-231-625;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at

7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson

Director

#### NEW SECTION

WAC 16-231-600 AREA UNDER ORDER: All lands lying within the boundaries of Klickitat County.

#### NEW SECTION

WAC 16-231-605 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

#### NEW SECTION

WAC 16-231-610 OIL-TYPE CARRIERS: On and after May 1 through September 30, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

#### NEW SECTION

WAC 16-231-615 AREA 3. (1) Area 3 description. All lands within the boundaries of Klickitat County.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through September 30 of each year: PROVIDED, That on and after May 1 through May 14 of each year low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30 ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30 aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

WAC 16-231-620 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 12 miles per hour throughout the year.

#### NEW SECTION

WAC 16-231-625 The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-230-600 through WAC 16-230-675, WAC 16-228-165(1)(o) and (9), and WAC 16-228-175.

### **WSR 79-10-142**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides in all counties located east of the crest of the Cascade Mountains in WAC 16-230-600, 16-230-605, 16-230-610, 16-230-615, 16-230-620, 16-230-625, 16-230-630, 16-230-635, 16-230-640, 16-230-645, 16-230-650, 16-230-655, 16-230-660, 16-230-665, 16-230-670 and 16-230-675;

that such agency will at 1:30 p.m./7:00 p.m., Tuesday/Wednesday, November 27, 1979/November 28, 1979, in the (Tuesday) Franklin County PUD Auditorium, Pasco, Washington and (Wednesday) Spokane County Extension meeting room, 222 North Havana, Spokane WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally 1:30 p.m./7:00 p.m., Tuesday/Wednesday, November 27, 1979/November 28, 1979, (Tuesday) Franklin County PUD Auditorium, Pasco, Washington and (Wednesday) Spokane County Extension meeting room, 222 North Havana, Spokane, WA.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

#### NEW SECTION

WAC 16-230-600 AREA UNDER ORDER: All counties located east of the crest of the Cascade Mountains.

#### NEW SECTION

WAC 16-230-605 SPECIFIC COUNTY ORDERS: The regulations in this order will not preclude any additional restrictions on the application of restricted use herbicides provided for in regulations for specific counties located east of the Cascade Mountains.

#### NEW SECTION

WAC 16-230-610 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

#### NEW SECTION

WAC 16-230-615 USER PERMITS: User Permits are required for all liquid formulations of restricted use herbicides distributed in packages of one gallon and larger in counties located east of the crest of the Cascade Mountains.

#### NEW SECTION

WAC 16-230-620 LOW VOLATILE: The sale of low volatile formulations of restricted use herbicides in containers of less than one gallon is prohibited.

#### NEW SECTION

WAC 16-230-625 DEFINITION: COMMERCIAL VINEYARD. A commercial vineyard is a parcel of land from which the grape crop is intended to be sold to a processor or for commercial fresh market.

#### NEW SECTION

WAC 16-230-630 DEFINITION: HIGH AND LOW VOLATILE ESTERS. High and low volatile esters are those formulations labeled as high and low volatile in Interpretation 17, Revision 1 of Title 7 under the Federal Insecticide, Fungicide, and Rodenticide Act. High volatile 2,4-D includes those esters with five or less carbon atoms; such as but not limited to methyl, ethyl, isopropyl, n-butyl, isobutyl, and n-pentyl.

#### NEW SECTION

WAC 16-230-635 OIL-TYPE CARRIERS, EMULSIFIERS, AND SPREADER STICKERS. Oil-type carriers, emulsifiers and spreader stickers may be used when not in excess of one pint per acre: PROVIDED, That oil-type carriers in excess of one pint per acre may be used with invert systems: PROVIDED FURTHER, That invert systems may be used on aircraft by written permit only.

#### NEW SECTION

WAC 16-230-640 WEATHER AND TEMPERATURE CONDITIONS. Restricted use herbicides shall not be applied on or after May 1 through October 31 of each year when there is a temperature inversion; or throughout the year if weather conditions are such that damage could result to adjacent and nearby towns, susceptible crops and plantings through physical drift or volatilization, or the temperature is 85° F. or above at the point of application; PROVIDED, That application at the rate of fifty gallons or more per acre shall be exempt from the 85° F. temperature cutoff requirement.

#### NEW SECTION

WAC 16-230-645 EVENING CUTOFF. On and after May 1 through October 31 of each year the application of restricted use herbicides shall be prohibited daily from three hours prior to sunset to sunrise the following morning: PROVIDED, That if there is a mean sustained legal wind velocity of not less than five miles per hour the application of restricted use herbicides shall be allowed in Areas 3 and 4 up to one hour prior to sunset in all counties under order except Benton, Franklin, Grant, Yakima, and Walla Walla counties.

#### NEW SECTION

WAC 16-230-650 APPLICATION PERMIT. The Washington State Department of Agriculture may approve written request and issue a permit to mix, load and apply certain restricted use herbicides for purposes of critical weed control when such activities are restricted in the area under order. The Director will consider recommendations of the 2,4-D Committee for the county in question.

#### NEW SECTION

WAC 16-230-655 GROUND EQUIPMENT PRESSURE REQUIREMENTS. Pressure shall not exceed 25 psi at the nozzles: PROVIDED, That pressure up to 50 psi at the nozzle may be used for an invert system and for equipment with handguns.

#### NEW SECTION

WAC 16-230-660 TURNING AND LOW FLYING OF AIRCRAFT. Aircraft carrying restricted use herbicides are prohibited from turning and/or low flying during spraying operations over cities and towns unless authorized by the city or town in question pursuant to an agreement for pesticide applications; or residences, windbreaks, orchards or susceptible crops belonging to any person other than the owner of the property being treated, except by permission of the person whose residence, windbreak, orchard or susceptible crop is involved.

#### NEW SECTION

WAC 16-230-665 AIRCRAFT RESTRICTIONS NEAR VINEYARDS. Aerial application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That the Washington State Department of Agriculture may approve written requests and issue permit for aerial application of restricted use herbicides that may be applied to lands located one-half to one mile from commercial vineyards. EXCEPTIONS are found in Franklin and Grant County orders.

#### NEW SECTION

WAC 16-230-670 AIRCRAFT BOOM LENGTH AND PRESSURE REQUIREMENTS. In all Areas 1 and 2, the working boom length on fixed wing aircraft shall not exceed 3/4 of the wing span and the working boom length on helicopters shall not exceed 6/7 of the total rotor length or 3/4 of the total rotor length where the rotor length exceeds 40 feet.

Pressure for aerial equipment shall not exceed 25 psi at the nozzles: PROVIDED, That helicopters shall be allowed to use up to 35 psi in

Area 3 and 4: PROVIDED FURTHER, That pressure up to 50 psi at the nozzle may be used with invert systems which are allowed by written permit only.

#### NEW SECTION

**WAC 16-230-675 MINIMUM NOZZLE ORIFICE AND CORE PLATE SIZES FOR AIRCRAFT APPLICATION.** Minimum nozzle orifice and core plate sizes shall be as listed in the Dormant Season, Caution, Warning, and Danger Area Restrictions. (1) DORMANT SEASON AREA. (Dormant season only - refer to specific county regulations.)

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.075 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

Minimum nozzle orifice of 0.047 inches (may use No. 45 or larger core plate) and nozzles shall be directed downward and backward 90 degrees or more from the direction of flight. Pressure over 35 psi is prohibited.

(2) CAUTION AREA.

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.075 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

(i) Area 2 -

Minimum nozzle orifice of 0.063 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Areas 3 and 4 -

Minimum nozzle orifice of 0.063 inches (may use No. 45 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(3) WARNING AREA

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.094 inches (no core plate). Nozzles shall be directed downward and backward 135 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight: PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used by written permit only. Nozzles shall be directed downward and backward 170 degrees or more from direction of flight.

(b) Helicopter -

(i) Minimum nozzle orifice of 0.063 inches (no core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.125 inches (may use No. 46 or larger core plate). Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight: PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 45 core plates may be used by written permit only.

(4) DANGER AREA

(a) Fixed wing -

(i) Minimum nozzle orifice of 0.188 inches (may use No. 46 or larger core plate): PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and No. 46 core plates may be used by written permit only. Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(ii) Minimum nozzle orifice of 0.156 inches (no core plate). Nozzles shall be directed downward and backward 170 degrees or more from the direction of flight.

(b) Helicopter -

Minimum nozzle orifice of 0.156 inches (may use No. 46 core plate or larger): PROVIDED, That RD8 nozzles with orifice size of 0.125 inches and core plate No. 46 may be used by written permit only. Nozzles shall be directed downward and backward 90 degrees or more from the direction of flight.

#### WSR 79-10-143

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Benton County in WAC 16-231-001, 16-231-005, 16-231-010, 16-231-015, 16-231-020, 16-231-025, 16-231-030 and 16-231-035;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

#### NEW SECTION

**WAC 16-231-001 AREA UNDER ORDER:** All lands lying within the border of Benton County.

#### NEW SECTION

**WAC 16-231-005 RESTRICTED USE HERBICIDES:** All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

#### NEW SECTION

**WAC 16-231-010 OIL-TYPE CARRIERS:** On and after April 5 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

#### NEW SECTION

**WAC 16-231-015 AREA 1.** (1) Area 1 description. (Prosser to Finley and vicinity.) This area includes all lands in Sections 1 through 12, and 15 through 19, T8N, R24E; Sections 5, 6 and 7, T8N, R25E; all of T9N, R24E; Sections 1 through 34, T9N, R25E; Sections 1 through 24, T9N, R26E; all of T9N, R27E; that portion of T10N, R27E and R28E and T8N, R28E, lying south of the Yakima River, and that portion of T8N, R28E lying north of the Burlington Northern Railroad tracks; Sections 29 through 36, T9N, R29E; Sections 1 through 6, 10 through 13, and those portions of Sections 7, 8, 9, 14, 15, 23, and 24, T8N, R29E, lying north and east of the K.I.D. Canal; Sections 4 through 10, 14 through 28, 35, 36 and those portions of 29, 30, 32, 33 and 34, T8N, R30E lying north and east of the K.I.D. Canal, and the Atomic Energy Commission reservation.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications

of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides are prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(d) The loading and/or mixing of restricted use herbicides is prohibited on any airstrip, airfield, or any location within Area 1, and turning and/or low flying over Area 1 is also prohibited when loaded with restricted use herbicides or prior to cleaning equipment following use of these herbicides.

#### NEW SECTION

**WAC 16-231-020 AREA 2.** (1) Area 2 description. (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, 21 through 25, and 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D. Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be made using Warning Area Restrictions (see WAC 16-230-675). Aircraft applications shall be prohibited within one mile of commercial vineyards and within 1/4 mile of other susceptible crops. On and after November 1 through April 4 of the following year, aircraft applications shall be made using Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

**WAC 16-231-025 AREA 3.** (1) Area 3 description. The remaining portions of Benton County - the Rattlesnake Hills and the Horse Heaven Hills.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using Warning Area Restrictions (see WAC 16-230-675), and aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the State Department of Agriculture.

#### NEW SECTION

**WAC 16-231-030 WIND CONDITIONS.** The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, and 3 when the mean sustained wind velocity is over 12 miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 1 on and after April 5 through October 31 when the mean sustained wind velocity is over 10 miles per hour.

#### NEW SECTION

**WAC 16-231-035** The distribution, use an application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.

#### **WSR 79-10-144**

#### **PROPOSED RULES**

#### **DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Yakima County in WAC 16-231-200, 16-231-205, 16-231-210, 16-231-215, 16-231-220, 16-231-225, 16-231-230, 16-231-235 and 16-231-240;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson

Director

#### NEW SECTION

**WAC 16-231-200 AREA UNDER ORDER:** All lands lying within the border of Yakima County.

#### NEW SECTION

**WAC 16-231-205 RESTRICTED USE HERBICIDES:** All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

#### NEW SECTION

**WAC 16-231-210 OIL-TYPE CARRIERS:** On and after April 5 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

#### NEW SECTION

**WAC 16-231-215 AREA 1.** (1) Area 1 description. (An area south of the Yakima firing center including the upper and lower Yakima Valley.) An area starting at the Yakima-Benton County line and the northeast corner of Section 12, T12N, R23E: thence west along section lines fifteen miles more or less to the southeast corner of Section 4, T12N, R21E; thence north three miles along section lines to the northeast corner of Section 28, T13N, R21E; thence west along section lines thirteen miles to the Yakima River; thence northwesterly along the Yakima River four miles more or less to the junction of the Yakima and Naches Rivers; thence northwesterly along the Naches River for seven miles more or less to the northwest corner of Section 31, T14N, R18E; thence south one mile along the section line to the southwest corner of Section 31, T14N, R18E; thence west along section lines six miles to the northwest corner of Section 6, T13N, R17E; thence south twenty-four miles along section lines to the southwest corner of Section 31, T10N, R17E; thence east twenty-four miles along section lines to the southeast corner of Section 36, T10N, R20E; thence south six miles along section lines to the southwest corner of Section 31, T9N, R21E; thence east six miles along section lines to the northwest corner of Section 6, T8N, R22E; thence south six miles



along section lines to the southwest corner of Section 31, T8N, R22E; thence east twelve miles along section lines to the Benton County line; thence north twenty-nine miles to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31: PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops at any time.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) Aircraft applications of restricted use herbicides shall be allowed only on non-irrigated lands on and after November 1 through April 4 of the following year and shall be made using the Caution Area Restrictions (see WAC 16-230-675). Aircraft applications of restricted use herbicides shall be prohibited on and after April 5 through October 31: PROVIDED, That aircraft applications shall be allowed using the Warning Area Restrictions in those dry land wheat growing areas east of Moxee and on the Rattlesnake Ridge up to within one mile of commercial grape plantings and to within one-quarter mile of other susceptible crops: PROVIDED, That hormone sprays may be applied to orchards to prevent fruit drop.

**NEW SECTION**

**WAC 16-231-220 AREA 1A.** (a) Area 1A description. (Tieton-Naches Area.) That portion of T14N, R17E and those portions of Sections 31, 32 and 33, T15N, R17E, lying southwest of the Naches-Selah Canal; and that portion of T14N, R16E, and those portions of Sections 35 and 36 lying southeast of the Tieton and Naches Rivers.

(2) Area 1A restrictions. On and after April 15 through October 31, the use and application of low volatile formulations of restricted use herbicides is prohibited. On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be allowed using the Warning Area Restrictions (see WAC 16-230-675) on dry land wheat up to within one-quarter mile of susceptible crops.

**NEW SECTION**

**WAC 16-231-225 AREA 2.** (1) Area 2 description. All remaining lands in Yakima County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 5 through October 31, Aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-230 RESTRICTIONS ON MIXING AND LOADING.** The mixing and/or loading of restricted use herbicides is limited to those formulations which may be applied in that area. The loading of aircraft is prohibited in any area where aerial application of restricted use herbicides is prohibited.

**NEW SECTION**

**WAC 16-231-235 WIND CONDITIONS.** The use or application of restricted use herbicide shall be prohibited in Areas 1, 1A and 2 when the mean sustained wind velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Areas 1 and 1A on and after April 5 through October 31 when the mean sustained wind velocity is over ten miles per hour.

**NEW SECTION**

**WAC 16-231-240** The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), and WAC 16-230-600 through WAC 16-230-675.

**WSR 79-10-145**

**PROPOSED RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Franklin County in WAC 16-231-100, 16-231-105, 16-231-110, 16-231-115, 16-231-120, 16-231-125, 16-231-130, 16-231-135, 16-231-140, 16-231-145 and 16-231-150;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
Director

**NEW SECTION**

**WAC 16-231-100 AREA UNDER ORDER:** All lands lying within the border of Franklin County.

**NEW SECTION**

**WAC 16-231-105 RESTRICTED USE HERBICIDES:** All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

**NEW SECTION**

**WAC 16-231-110 OIL-TYPE CARRIERS:** On and after April 5 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

**NEW SECTION**

**WAC 16-231-115 AREA 1.** (1) Area 1 description. (Lands generally within the Columbia Basin Irrigation Project.) This area includes all lands lying within a boundary line starting at the Columbia River and the east boundary line of Section 25, T9N, R30E; thence north fifteen miles more or less to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence northerly along State Highway 17, fourteen miles more or less to State Highway 260; thence east along State Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the Adams-Grant county line to the northwest corner of Section 6, T14N, R28E; thence south four miles to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the southern boundary line of Section 1, T11N, R29E; thence east two miles more

or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence northerly and easterly along the Snake River to the east boundary line of Section 25, T9N, R30E.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: **PROVIDED**, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: **PROVIDED**, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675). On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be allowed using the Danger Area Restrictions (see WAC 16-230-675).

(d) On and after April 5 through October 31, aircraft application of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: **PROVIDED**, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: **PROVIDED FURTHER**, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered.

#### NEW SECTION

**WAC 16-231-120 AREA 1A.** (1) Area 1A description. This area includes all lands lying within a boundary line starting at the Columbia River and the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence down the Snake River to the confluence of the Snake River and the Columbia River, thence northerly and westerly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of each year: **PROVIDED**, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: **PROVIDED**, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited: **PROVIDED**, That on and after November 1 through April 4 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

**WAC 16-231-125 AREA 2.** (1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence south-easterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east boundary line of Area 1; thence northerly along the east boundary line of Area 1 to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 5 through October 31 of

each year: **PROVIDED**, That aerial applications of low volatile formulations of restricted use herbicides may be made using the Warning Area Restrictions (see WAC 16-230-675) from April 5 through April 30.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

**WAC 16-231-130 AREA 3.** (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to State Highway 260; thence southerly along State Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway; thence along the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1 to the Franklin-Adams county line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 16 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

**WAC 16-231-135 AREA 4.** (1) Area 4 description. (Dry Land Area.) All of the remaining lands in Franklin County lying east of Area 3.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

#### NEW SECTION

**WAC 16-231-140 RESTRICTIONS ON AIRCRAFT.** The loading and/or mixing of restricted use herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

#### NEW SECTION

**WAC 16-231-145 WIND CONDITIONS.** The use or application of restricted use herbicides shall be prohibited in Areas 1, 2, 3, and 4 when the mean sustained wind velocity is over twelve miles per hour throughout the year: **PROVIDED**, That such applications shall be prohibited in Area 1 and 1A on and after April 5 through October 31 when the mean sustained wind velocity is over ten miles per hour.

#### NEW SECTION

**WAC 16-231-150** The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.

**WSR 79-10-146**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Okanogan County in WAC 16-231-700, 16-231-705, 16-231-710, 16-231-715, 16-231-720, 16-231-725 and 16-231-730;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
 Director

**NEW SECTION**

**WAC 16-231-700 AREA UNDER ORDER:** All lands lying within the boundaries of Okanogan County.

**NEW SECTION**

**WAC 16-231-705 RESTRICTED USE HERBICIDES:** All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4-5-T and MCPA are by this order declared to be restricted use herbicides.

**NEW SECTION**

**WAC 16-231-710 AREA 1.** (1) Area 1 description. (Okanogan County) An area starting at the intersection of the east boundary line of Section 24, T29N, R25E, and the Columbia River; thence north 19 miles more or less to the southwest corner of Section 7, T32N, R26E; thence east 3 miles to the southeast corner of Section 9; thence north 2 miles to the northeast corner of Section 4; thence east 3 miles more or less to the southeast corner of Section 36, T33N, R26E; thence north 4 miles to the southwest corner of Section 7, T33N, R27E; thence east 2 miles to the southeast corner of Section 8; thence north 6 miles to the northeast corner of Section 17, T34N, R27E; thence west 8 miles to the northwest corner of Section 18, T34N, R26E; thence south 4 miles to the southwest corner of Section 31; thence west 3 miles to the northwest corner of Section 3, T33N, R25E; thence south 4 miles to the southwest corner of Section 22, T33N, R25E; thence west 3 miles to the northwest corner of Section 30; thence south 2 miles to the southwest corner of Section 31; thence west 2 miles to the northwest corner of Section 2, T32N, R24E; thence south 10 miles to the southwest corner of Section 23, T31N, R24E; thence west 4 miles to the northwest corner of Section 30; thence south 7 miles more or less to the north bank of the Columbia River; thence easterly along the north bank of the Columbia River to the point of beginning.

(2) Area 1 restrictions. (a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31 of each year.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April 15 through October 31, aerial applications of restricted use herbicides shall be made using Caution Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-715 AREA 4.** (1) Area 4 description. This area includes all remaining lands in Okanogan County.

(2) Area 4 restrictions. On and after May 1 through October 31, aerial applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

**NEW SECTION**

**WAC 16-231-720 WIND CONDITIONS.** The use or application of restricted use herbicides shall be prohibited when the mean sustained wind velocity is over 12 miles per hour throughout the year.

**NEW SECTION**

**WAC 16-231-725 RESTRICTIONS ON AIRCRAFT.** The loading and/or mixing of restricted used herbicides is restricted to those formulations which may be applied in the area in which the airstrip is located.

**NEW SECTION**

**WAC 16-231-730** The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-230-600 through WAC 16-230-675, WAC 16-228-165(1)(o) and (9), and WAC 16-228-175.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

**WSR 79-10-147**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 17.21 and 15.58 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use herbicides within Columbia County in WAC 16-231-400, 16-231-405, 16-231-410, 16-231-415, 16-231-420, 16-231-425 and 16-231-430;

that such agency will at 7:00 p.m., Tuesday, November 27, 1979, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, January 18, 1980, in the Director's office, Olympia, Washington.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 26, 1979, and/or orally at 7:00 p.m., Tuesday, November 27, 1979, Franklin County PUD Auditorium, Pasco, Washington.

Dated: October 2, 1979

By: Bob J. Mickelson  
 Director

NEW SECTION

WAC 16-231-400 AREA UNDER ORDER: All lands lying within the border of Columbia County.

NEW SECTION

WAC 16-231-405 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

NEW SECTION

WAC 16-231-410 OIL-TYPE CARRIERS: On and after May 1 through October 31, oil-type carriers are prohibited for brush control: PROVIDED, That oil-type carriers may be used in invert systems the entire year.

NEW SECTION

WAC 16-231-415 AREA 2. (1) Area 2 description. (Huntsville, Dayton, Baileysburg, and vicinity.) Sections 1 through 12, T9N, R38E; Sections 24, 25, 26 and 31 through 36, T10N, R38E; Sections 19, 20 and 28 through 33, T10N, R39E; Sections 2 through 11, 15 through 17, 21 and 22 and that portion of Section 20 lying east of the Payne Hollow Road in T9N, R39E in Columbia County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through October 31.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches. On and after November 1 through April 30, ground application shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675). On and after November 1 through April 30, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-420 AREA 4. (1) Area 4 description. This area includes all remaining lands in Columbia County.

(2) Area 4 restrictions.

(a) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(b) On and after May 1 through October 31, aircraft applications of restricted use herbicides shall be made using the Caution Area Restrictions (see WAC 16-230-675).

NEW SECTION

WAC 16-231-425 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 2 and 4 when the mean sustained velocity is over twelve miles per hour throughout the year: PROVIDED, That such application shall be prohibited in Area 2 on and after May 1 through October 31 when the mean sustained wind velocity is over seven miles per hour.

NEW SECTION

WAC 16-231-430 The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-228-165(1)(o) and (9), WAC 16-228-175, and WAC 16-230-600 through WAC 16-230-675.

## WSR 79-10-148

## PROPOSED RULES

## DEPARTMENT OF AGRICULTURE

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 19.94 RCW, that the Washington State Department of Agriculture, Olympia, Washington, intends to adopt, amend, or repeal rules concerning motor fuels and home heating products;

that such agency will at 1:30 p.m., Wednesday, November 14, 1979, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at Monday, November 19, 1979, in the Director's Office, Department of Agriculture, 406 General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is chapter 19.94 RCW.

Interested persons may submit data, views, or arguments to this agency, in writing to be received by this agency prior to November 14, 1979, and/or orally at 1:30 p.m., Wednesday, November 14, 1979, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: October 2, 1979

By: James E. Wommock

Assistant Director

Supervisor Dairy and Food

NEW SECTION

WAC 16-657-001 RETAIL SALES OF MOTOR FUELS AND HOME HEATING PRODUCTS. (1) All retail fuel metering and computing devices shall display the price per gallon or price per litre.

(2) All retail fuel metering and computing devices shall indicate the amount of fuel delivered during a single retail transaction.

(3) All retail fuel metering and computing devices shall register the selling price per unit.

(4) All retail fuel metering and computing devices shall register the total selling price for a single retail transaction.

NEW SECTION

WAC 16-657-010 COMPLIANCE SCHEDULE FOR RETAIL MOTOR FUEL AND HOME HEATING PRODUCTS DISPENSERS. Devices which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be brought into compliance on or before July 1, 1981.

NEW SECTION

WAC 16-657-020 INTERIM RETAIL SALES OF MOTOR FUELS. Devices which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at any location. Once it becomes necessary for one device to be set at one-half price, or by the litre, all devices at that location shall be set at one-half price, or by the litre, so all devices dispense on the same method of sale.

(2) The pump face shall be altered by using pressure sensitive labels made of weather resistant material. Lettering shall be of black letters of commercial quality and shall be the same size as existing lettering, or larger.

(3) The pump face shall be altered as follows:

(a) The "Price Per Gallon" indication on the face of the pump shall be replaced with the statement "Price per 1/2 gallon".

(b) The "Total Sale" indication on the face of the pump shall be replaced with the statement "One-half Total Sale", or the statement "1/2 Total Sale".

## Half Price System

<input type="checkbox"/> Total Sale	or	<input type="checkbox"/> 1/2 Total Sale
<input type="checkbox"/> Gallons		<input type="checkbox"/> Gallons
<input type="checkbox"/> Price Per One-Half Gallon		<input type="checkbox"/> Price Per 1/2 Gallon
<input type="checkbox"/> Price Per Gallon		<input type="checkbox"/> Price Per Gallon

(4) The "Price Per Gallon" shall be displayed as illustrated in WAC 16-657-020(3)(b) above with the use of weather resistant markers for handwritten prices or the operator of one location may post a sign or placard at the top of each pump in conjunction with information required in subsections (5) and (6).

(5) On the top of each pump or each unit of a twin pump, a sign shall be posted: "Notice. The money values on this device are computed on the half price per gallon basis". The letters in the word "Notice" shall be at least two inch bold face type. The letters in the balance of the legend are to be at least one inch bold face type.

(6) Devices modified to dispense in the metric system in units of the litre shall have the individual pump or each unit of a twin pump marked with a placard bearing the following legend: "Notice. This device is computing in the metric system on the basis of the litre". The same size lettering as set forth in subsection (5) will be required.

(7) The exception to subsections (5) and (6) would be similar information displayed on a reader board at all entrances to the station setting forth the required information in letter size at least four inches in height.

(8) Any advertised price of the half price gallon or the litre must be accompanied with the correct associated price per gallon in equal letter size for the whole cents and in compliance with RCW 19.94.390 with respect to fractions of a cent. Any posted or advertised price must be accurate and complete.

Any failure to comply with this order or any unlawful practice at any location shall be subject to RCW 19.94.240 relating to a Stop-Use Order for these devices.

NEW SECTION

**WAC 16-657-030 INTERIM RETAIL SALES OF HOME HEATING PRODUCTS.** Computing dispensing devices used in the delivery of home heating products which do not meet the requirements of WAC 16-657-001 subsections (3) and (4) shall be altered to provide for an interim half price sale program and the following requirements shall be followed: (1) Such procedures shall be required when the price of one grade of fuel goes above the capabilities of one device at or operated from a given location. Once it is necessary for one device to be set at half price or modified to the litre, all devices at or operated from that location must be set at the same method of sale.

(2) The consumer's copy of the invoice covering deliveries of home heating products made on a basis of either half pricing or by the litre shall bear a clear and legible legend stating the computations have been made on the respective method of sale.

WSR 79-10-149

PROPOSED RULES

DEPARTMENT OF TRANSPORTATION

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.01.101, that the Washington State Department of Transportation intends to adopt rules concerning advanced financial support payments for the conduct of public transportation feasibility studies;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, November 19, 1979, in the Board Room 1D 9, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 35.58.2712 as amended by chapter 59, Laws of 1979.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 19, 1979, and/or orally at 10:00 a.m., Monday, November 19, 1979, Board Room, 1D 9, Highway Administration Building, Olympia, Washington 98504.

Dated: October 2, 1979

By: V.W. Korf

Deputy Secretary

## Chapter 468-84 WAC

## REGULATIONS REGARDING ADVANCED FINANCIAL SUPPORT PAYMENTS FOR THE CONDUCT OF PUBLIC TRANSPORTATION FEASIBILITY STUDIES

## WAC

468-84-010	General purpose and applicability.
468-84-015	Definitions.
468-84-110	Application.
468-84-120	Department response to application.
468-84-130	Conditions of advanced financial support payments.
468-84-135	Conditions of grants.
468-84-200	Required elements of feasibility study.
468-84-210	Geographical extent.
468-84-220	Identification of related transportation operations.
468-84-230	Estimation of need.
468-84-240	Alternative management schemes.
468-84-250	Alternative funding sources.
468-84-260	Consideration of school district pupil transportation.
468-84-300	Submission of feasibility study to department.
468-84-310	Submission of municipal resolution to department.
468-84-320	Submission of municipal ordinance levying and collecting taxes to department.

NEW SECTION

**WAC 468-84-010 GENERAL PURPOSE AND APPLICABILITY.** (1) Purpose. These regulations are to assist municipalities in determining the extent of residents' needs for public transportation and feasible, viable and suitable means of serving the needs through studies. The studies are intended to lead to informed decisions by municipal legislative bodies relating to their undertaking public transportation activities.

(2) Applicability. These regulations apply to all cities, towns, and counties not associated with county transportation authorities created pursuant to chapter 36.57 RCW, public transportation benefit areas created pursuant to chapter 36.57A RCW, or metropolitan municipal corporations created pursuant to chapter 35.58 RCW performing the function of metropolitan public transportation, all metropolitan municipal corporations created pursuant to chapter 35.58 RCW and authorized to perform the function of metropolitan public transportation, all county transportation authorities created pursuant to chapter 36.57 RCW, and all public transportation benefit areas created pursuant to chapter 36.57A RCW, which have not received an advanced financial support payment to develop a plan pursuant to RCW 36.57A.150.

NEW SECTION

**WAC 468-84-015 DEFINITIONS.** (1) "Department" means the Washington state department of transportation.

(2) "Enrollment" means the number of pupils enrolled in a school district in October of the most recent year according to the management information services section of the office of public instruction.

(3) "Land area" means the territory, measured to the nearest tenth of a square mile, located within the corporate boundaries of the applicant municipality.

(4) "Municipality" means any city, town or county not associated with a county transportation authority created pursuant to chapter 36.57 RCW, public transportation benefit area created pursuant to chapter 36.57A RCW, or a municipal corporation created pursuant to chapter 35.58 RCW performing the function of metropolitan public transportation, any metropolitan municipal corporation created pursuant to chapter 35.58 RCW authorized to perform the function of metropolitan public transportation, any county transportation authority created pursuant to chapter 36.57 RCW, or any public transportation benefit area created pursuant to chapter 36.57A RCW, which has not received an advanced financial support payment to develop a plan pursuant to RCW 36.57A.150.

(5) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(6) "Public transportation services" means scheduled or demand-response service by any type of vehicle on land or water to transport any or all classes of people using either contracted private or public equipment and/or the municipality's own equipment.

(7) "Pupil transportation system" means the service to transport pupils attending kindergarten through twelfth grades in public common schools using either contracted private or public vehicles and/or a school district's own vehicles.

#### NEW SECTION

WAC 468-84-110 APPLICATION. (1) Eligible applicants. Any municipality is eligible to receive a one-time advanced financial support payment and the following municipalities are eligible to receive a grant in the 1980-81 state biennium

- (a) City of Bellingham
- (b) City of Bremerton
- (c) County of Clark
- (d) City of Everett
- (e) Grays Harbor Transportation Authority
- (f) Lewis Public Transportation Benefit Area
- (g) City of Longview (for City of Kelso)
- (h) Intercity Transit Commission (For cities of Olympia, Lacey and Tumwater)
- (i) Municipality of Metropolitan Seattle
- (j) County of Pierce
- (k) City of Port Angeles
- (l) City of Prosser
- (m) City of Pullman
- (n) Snohomish County Public Transportation Benefit Area
- (o) City of Spokane
- (p) County of Spokane
- (q) City of Tacoma
- (r) City of Vancouver
- (s) County of Walla Walla
- (t) City of Yakima

from the department upon submission to the department of an application containing the information specified in subsection (2) of this section.

(2) Contents of application. No particular form is hereby specified for an application for an advanced financial support payment or a grant. The application for such payment or grant, however, must be addressed to the department, signed by the chief executive officer of the municipality, and include the following information and related materials:

(a) A copy of a minute entry or resolution of the municipality authorizing or directing that body, or a designated individual acting for that body, to apply for such payment or grant;

(b) The names of all school districts wholly or partly within the municipality and the school districts to be included in the study;

(c) A letter from each school district to be included in the study indicating knowledge of and support of the application;

(d) A school district board may pass a resolution indicating its unwillingness to cooperate in the study. The resolution must set forth the reasons for this unwillingness. A copy of any such resolution must be included with the application;

(e) A proposed budget indicating, at a minimum, the following information:

(i) Proposed expenditures by the following objects: Salaries and wages, personal services contracts, goods and services, travel, equipment, employee benefits, and capital outlays;

(ii) Budget period and anticipated period of planning project, if different.

#### NEW SECTION

WAC 468-84-120 DEPARTMENT RESPONSE TO APPLICATION. The department shall respond to applications on a "first-come, first-served" basis so that state biennial budget constraints can be observed. Therefore, upon receipt on an application for an advanced financial support payment or a grant, the department shall:

(1) Determine whether or not the application contains or includes all of the information or material required by WAC 468-84-110(2). In the event an application is incomplete, the applicant shall be notified within seven days of receipt of such application by the department, of the application's deficiencies and that further department processing of the application is being suspended until the department receives a properly completed application;

(2) Determine the most recent official office of financial management population of the applicant;

(3) Allocate one thousand five hundred dollars plus the product of one dollar times the sum of two-tenths the applicant's population and the applicant's nonfederally owned land area for distribution to the applicant. Under no circumstances will the amount allocated exceed the sum of fifty thousand dollars per applicant;

(4) Allocate the appropriate sum for each school district indicated in the completed application as supporting the study based upon the following scale:

- (a) More than 5,000 pupil enrollment school district:
  - (i) first or largest district, seven thousand dollars;
  - (ii) each additional district, five thousand dollars;
- (b) 1,000-4,999 pupil enrollment school district:
  - (i) first or largest district, if none over 5,000 enrollment, five thousand dollars;
  - (ii) each additional district, three thousand five hundred dollars;
  - (c) Less than 1,000 pupil enrollment school district, each district, one thousand dollars.

(5) Combine the sums from subsections (3) and (4) of this section for an advance financial support payment, or allocate the sum from subsection (4) of this section for a grant to an eligible municipality as specified in WAC 468-84-110(1); and

(6) Inform the pupil transportation office of the superintendent of public instruction of the department response to the applicant.

#### NEW SECTION

WAC 468-84-130 CONDITIONS OF ADVANCED FINANCIAL SUPPORT PAYMENTS. (1) Payment constitutes a loan. Funds received by municipalities as advanced financial support payments constitute loans. Such a loan shall be repaid to the department by the recipient thereof not later than two years after the date such recipient received the advanced financial support payment. Repayment shall not be necessary in the event the study is completed within one year after the date such advanced payment was received; within six months of its receipt of the study and its recommendations, the municipal legislative authority passes a resolution adopting or rejecting all or part of the study; a copy of the resolution is transmitted to the department within one week of its adoption; and if the municipal legislative authority or the voters in such municipality do not elect to levy and collect taxes to support public transportation within two years after the date such advanced financial support payment was received.

(2) Obligation to perform a feasibility study. Following receipt of the advanced financial support payment, the municipality shall undertake and complete a feasibility study that meets the specifications contained in WAC 468-84-200 through 468-84-260, as well as specifications adopted by the department subsequent to receipt of such payment by a recipient.

#### NEW SECTION

WAC 468-84-135 CONDITIONS OF GRANTS. All grants shall be reimbursable for the work the municipality undertakes in completing the feasibility study element specified in WAC 468-84-260. No funds shall be reimbursed to the municipality until the municipality submits four copies of its final report to the department pursuant to WAC 468-84-300.

NEW SECTION

WAC 468-84-200 REQUIRED ELEMENTS OF FEASIBILITY STUDY. A feasibility study prepared pursuant to RCW 35.58.2712; and WAC 468-84-130(2) shall, as a minimum, contain the elements described in WAC 468-84-210 through 468-84-260. Based upon the elements described in WAC 468-84-210 through 468-84-260, the study shall reach definite conclusions regarding the feasibility, viability and suitability of public transportation services. A conclusion that public transportation services are not feasible, viable or suitable is acceptable if supported by the study.

NEW SECTION

WAC 468-84-210 GEOGRAPHICAL EXTENT. The feasibility study shall encompass the transportation needs of the population of the recipient municipality.

NEW SECTION

WAC 468-84-220 IDENTIFICATION OF RELATED TRANSPORTATION OPERATIONS. (1) The feasibility study shall identify any existing public or private transportation operations and affiliated facilities within the recipient municipality and the area within fifteen road miles of the recipient municipality's corporate boundary within the state of Washington; such identified operations shall include, at a minimum, the following:

- (a) Taxicab or jitney service;
- (b) Auto transportation companies holding and operating pursuant to certificates of public convenience and necessity from the Washington utilities and transportation commission;
- (c) Municipally operated public transit service;
- (d) School pupil transportation; and
- (e) Specialized transportation service for elderly, handicapped, or otherwise disadvantaged persons.

(2) The feasibility study shall identify the numbers of persons transported annually by, the individual passenger tariff schedules of and the fixed routes used by the operations cited in WAC 468-84-220(1).

NEW SECTION

WAC 468-84-230 ESTIMATION OF NEED. (1) The feasibility study shall estimate the number of persons who would use public transportation service, if one were available for use within the municipality. In estimating this number, the municipality shall use the questionnaire technique, soliciting opinions and information from at least five percent of the municipality's residents and businesses.

(2) The feasibility study shall identify the most likely places of trip origin and destinations, including employment centers, employing more than fifty persons, governmental facilities and shopping centers with five or more commercial establishments.

(3) The feasibility study shall suggest a number of means to provide public transportation service and recommend the most feasible, viable and suitable, if any.

NEW SECTION

WAC 468-84-240 ALTERNATIVE MANAGEMENT SCHEMES. The feasibility study shall detail at least two alternative organizational management schemes for operating a public transportation service. Such schemes shall consider alternative municipal organizations authorized by state law, and examine possible contractual relationships and/or municipal managerial organizational charts.

NEW SECTION

WAC 468-84-250 ALTERNATIVE FUNDING SOURCES. The feasibility study shall identify alternative federal, state and local funding sources for subsidizing public transportation services.

NEW SECTION

WAC 468-84-260 CONSIDERATION OF SCHOOL DISTRICT PUPIL TRANSPORTATION. The feasibility study shall consider consolidating, coordinating with or cooperating with all or any portion of the pupil transportation systems of each of the school districts specified in WAC 468-84-110(b) and (c) with public transportation services. The study shall reach definite findings regarding the

feasibility, viability and suitability of any consolidation, coordination, or cooperation. Any services, deemed feasible, viable and suitable, shall comply with all provisions of the National Highway Traffic Safety Administration highway safety program Standard 17 (317), "Pupil Transportation Safety". The findings shall be identified in a preliminary report and submitted to each school district included in the study and the department for review and comment. A school district shall make its comments on each finding within one month after its receipt of the preliminary report. The final report for the feasibility study shall include the comments from the school districts and how the comments are incorporated into the final report's findings.

NEW SECTION

WAC 468-84-300 SUBMISSION OF FEASIBILITY STUDY TO DEPARTMENT. Any municipality receiving an advance financial support payment shall assemble all of the material prepared by it pursuant to WAC 468-84-200 into a single written study report and transmit two copies of the study report to the department and to its legislative body within thirteen months of the municipality's receipt of the advanced financial support payment.

Any municipality receiving a grant pursuant to WAC 468-84-135 shall transmit five copies of the final study report prepared by it pursuant to WAC 468-84-260 to the department and to its legislative body within thirteen months of the municipality's signing of the feasibility study agreement with the department.

NEW SECTION

WAC 468-84-310 SUBMISSION OF MUNICIPAL RESOLUTION TO DEPARTMENT. Any municipality receiving either an advance financial support payment or a grant shall transmit a copy of its legislative resolution adopting or rejecting all or part of the study report to the department within eighteen months and seven days of its receipt of the advanced support payment or signing of the feasibility study grant agreement with the department.

NEW SECTION

WAC 468-84-320 SUBMISSION OF MUNICIPAL ORDINANCE LEVYING AND COLLECTING TAXES TO DEPARTMENT. In the event any municipality receiving an advance financial support payment elects to levy and collect any tax to support public transportation, it shall transmit a copy of its ordinance implementing such tax to the department within one week of its adoption by the municipal legislative body.

**WSR 79-10-150****PROPOSED RULES****DEPARTMENT OF TRANSPORTATION**

[Filed October 2, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 47.01.031(2), that the Washington State Department of Transportation intends to repeal rules concerning advanced financial support payments for the conduct of public transportation feasibility studies;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, November 19, 1979, in the Board Room 1D 9, Highway Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 35.58.2712 as amended by chapter 59, Laws of 1979, RCW 47.01.121.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 19, 1979, and/or orally at 10:00 a.m., Monday, November 19, 1979, Board Room,



1D 9, Highway Administration Building, Olympia,  
Washington 98504.

Dated: October 2, 1979

By: V.W. Korf  
Deputy Secretary

#### REPEALER

Chapter 365-41 is repealed in its entirety as follows:

- (1) WAC 365-41-010 GENERAL PURPOSE AND APPLICABILITY.  
 (2) WAC 365-41-015 DEFINITIONS.  
 (3) WAC 365-41-110 APPLICATION FOR ADVANCED FINANCIAL SUPPORT PAYMENT.  
 (4) WAC 365-41-120 AGENCY RESPONSE TO APPLICATION.  
 (5) WAC 365-41-130 CONDITIONS OF ADVANCES FINANCIAL SUPPORT PAYMENTS.  
 (6) WAC 365-41-200 REQUIRED ELEMENTS OF FEASIBILITY STUDY.  
 (7) WAC 365-41-210 GEOGRAPHICAL EXTENT.  
 (8) WAC 365-41-220 IDENTIFICATION OF RELATED TRANSPORTATION OPERATIONS.  
 (9) WAC 365-41-230 ESTIMATION OF NEED.  
 (10) WAC 365-41-240 ALTERNATIVE MANAGEMENT SCHEMES.  
 (11) WAC 365-41-250 ALTERNATIVE FUNDING SOURCES.  
 (12) WAC 365-41-300 SUBMISSION OF FEASIBILITY STUDY TO AGENCY.  
 (13) WAC 365-41-310 SUBMISSION OF MUNICIPAL RESOLUTION TO AGENCY.  
 (14) WAC 365-41-320 SUBMISSION OF MUNICIPAL ORDINANCE LEVYING AND COLLECTING TAXES TO AGENCY.

**WSR 79-10-151**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning registration of water right claims, repealing chapter 508-68 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, November 13, 1979, in the Department of Ecology, Room 273, St. Martins' College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.14.230.

Interested persons may submit, data, views, or arguments to this agency in writing to be received by this agency prior to October 31, 1979, and/or orally at 10:00 a.m., Tuesday, November 13, 1979, Department of Ecology, Room 273, St. Martin's College Campus, Lacey, Washington.

Dated: October 1, 1979

By: Elmer C. Vogel  
Deputy Director

#### REPEALER

Chapter 508-86 of the Washington Administrative Code is repealed in its entirety as follows:

- (1) WAC 508-86-010 PURPOSE.

- (2) WAC 508-86-020 WATER RIGHT CLAIM.  
 (3) WAC 508-86-990 APPENDIX A—FORM—WATER RIGHT CLAIM FORM.

**WSR 79-10-152**  
**PROPOSED RULES**  
**COMMISSION FOR VOCATIONAL EDUCATION**  
 [Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission For Vocational Education intends to adopt, amend, or repeal rules concerning the registration of private vocational schools and dual purpose institutions by the Commission For Vocational Education under the provisions of the Washington Educational Services Registration Act of 1979;

that such agency will at 9:30 a.m., Thursday, November 15, 1979, in the Lecture Theater, South Seattle Community College, Seattle, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, November 15, 1979, in the Lecture Theater, South Seattle Community College, Seattle, Washington.

The authority under which these rules are proposed is Educational Services Registraton Act, chapter 188, Laws of 1979 1st ex. sess., 46th legislative session.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 4, 1979, and/or orally at 9:30 a.m., Thursday, November 15, 1979, Lecture Theater, South Seattle Community College, Seattle, Washington.

Dated: October 2, 1979  
 By: Homer J. Halverson  
 Executive Director

Chapter 490-600 WAC  
**EDUCATIONAL SERVICES REGISTRATION**

#### NEW SECTION

WAC 490-600-010 AUTHORITY This rule is promulgated pursuant to the Educational Services Registration Act, chapter 188, Laws of 1979 first extraordinary session, 46th Legislative Session.

#### NEW SECTION

WAC 490-600-020 PURPOSE. The purpose of this rule is to implement an educational institution registration system for private vocational schools and certain dual-purpose institutions doing business in the state of Washington.

#### NEW SECTION

WAC 490-600-030 DEFINITIONS. The definitions set forth in this section are intended to supplement the definitions contained in the act and shall apply throughout this rule, unless the context clearly indicates to the contrary.

(1) "Commission" shall mean the commission for vocational education.

(2) "Accreditation" means the process whereby an agency or association grants public recognition to a school, institute, college, or university which meets certain established qualifications and educational standards, as determined through initial and periodic evaluations. The essential purpose of the accreditation process is to provide a professional judgment as to the quality of the educational institution and/or programs(s) offered, and to encourage continual improvement thereof.

(3) "Institutional accreditation" means the process during which an accrediting agency reviews the philosophy and operations of an institution and determines that the institution as a whole is capable of achieving its educational objectives and its commitment to students.

(4) "Representatives of the public" means representatives who are laymen in the sense that they are not educators in, or members of the profession for which the students are being prepared, nor in any way are directly related to the institutions or programs being evaluated.

(5) "The act" means the Educational Services Registration Act (SSB 2434), chapter 188, Laws of 1979 first extraordinary session, 46th Legislative Session.

(6) "Commissioners" means the voting members of the commission of vocational education holding office pursuant to WAC 490-04A-020.

(7) "School director/manager" means the individual directly responsible for the educational management of a school; its courses, instruction, schedules, facilities, equipment, student services, records management, etc.

(8) "Registrant" means any private vocational school registered under the provision of the act.

(9) "Avocational or recreational" means instruction which is clearly for self-improvement, motivation or pleasure and clearly has no relationship to the technical skills required for seeking or obtaining gainful employment.

(10) "Supervisor" shall mean that staff person directly responsible for the staff, equipment, instruction, schedules, etc., of a vocational program area (D.E., T&I, B&OE, etc.) or department of the institution.

(11) "Learning period" means the time needed to learn technical competencies of the occupation about which they will instruct. Such competency can be obtained through the completion of an appropriate college or technical school training program, apprenticeship training to journeyman level, or intensive on-the-job training of commensurate duration.

(12) "Ownership" of a school means: (a) In the case of a school owned by an individual, that individual; (b) in the case of a school owned by a partnership, all full, silent, and limited partners; (c) in the case of a school owned by a corporation, the corporation, its directors, officers, and each shareholder owning shares of issued and outstanding stock aggregating at least ten percent of the total of the issued and outstanding shares.

(13) "Gross tuition charges" shall mean for bonding purposes, all charges to the student which have been included in the enrollment agreement or contract.

#### NEW SECTION

**WAC 490-600-045 EXEMPTIONS.** Organizations and institutions claiming exemption under the provisions of section 4, chapter 188, Laws of 1979 1st ex. sess. shall meet the following additional provisions:

(1) To be considered exempt under the act, trade, business, professional, fraternal and charitable organizations must be recognized by the United States Internal Revenue Service as being exempt under the appropriate chapter of Section 501 of the Internal Revenue Code.

(2) Educational institutions that are candidates for accreditation or are on probation concerning their accreditation status are not considered eligible for exemption under the provision of section 4(5), chapter 188, Laws of 1979 1st ex. sess.

(3) Educational institutions exempted as accredited shall annually notify the commission of its operating in the state of Washington and shall furnish the commission with one copy of its current catalog.

(4) Educational institutions requesting exemption under the hardship provisions of section 13, chapter 188, Laws of 1979 1st ex. sess. shall make a request in writing which shall include:

(a) Name, address and telephone number of the institution,

(b) Name, title, address and telephone number of the chief administrative officer,

(c) Reference to the specific section or subsection for which the exemption is requested, and

(d) Statements and related probative documents which clearly identify the nature of the hardship and the institution's inability to meet the requirements of the section or subsection of the act or this rule and for which the exemption is requested.

(e) **PROVIDED**, That any commission hearing on hardship exemption may be preceded by a preliminary hearing conducted by a hearing examiner appointed by the commission.

(5) It has been determined by the commissioners that the following institutions are exempt from so much of the act as pertains to the payment of registration fees: Cosmetology Schools (chapter 18.18 RCW), and Barbering Schools (chapter 18.15 RCW).

#### NEW SECTION

**WAC 490-600-046 RECOGNITION OF ACCREDITING AGENCIES AND ASSOCIATIONS.** (1) Any accrediting agency or association desiring recognition for the purposes of WAC 490-600-045(5) of this chapter must show:

(a) Functional aspects. Its functional aspects will be demonstrated by:

(i) Its scope of operations:

(A) The agency or association is national or regional in its scope of operations.

(B) The agency or association clearly defines in its charter, by-laws, or accrediting standards the scope of its activities, including the geographical area and the types and levels of institutions or programs covered.

(ii) Its organization:

(A) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner.

(B) The agency or association defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement.

(C) The agency's or association's fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process.

(D) The agency or association uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices: (aa) To participate on visiting evaluation teams; (bb) to engage in consultative services for the evaluation and accreditation process; and (cc) to serve on policy and decision-making bodies.

(E) The agency or association includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff.

(F) Accredits institutions that are classified as primarily postsecondary, properly chartered and licensed to operate, and offer instruction leading to degrees, diplomas, or certificates with education validity.

(iii) Its procedures:

(A) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such a accredited status.

(B) The agency or association, if it has developed a preaccreditation status, provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation.

(C) The agency or association requires, as an integral part of its accrediting process, institutional or program self-analysis and an on-site review by a visiting team. (aa) The self-analysis shall be a qualitative assessment of the strengths and limitations of the institution, including the achievement of institutional objectives, and should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies. (bb) The agency or association provides written and consultative guidance to the institution or program and to the visiting team.

(b) Responsibility. Its responsibility will be demonstrated by the way in which—

(i) Its accreditation in the field in which it operates serves clearly identified needs, as follows:

(A) The agency's or association's accreditation program takes into account the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions.

(B) The agency's or association's purposes and objectives are clearly defined in its charter, by-laws, or accrediting standards.

(ii) It is responsive to the public interest, in that:

(A) The agency or association includes representatives of the public in its policy and decision-making bodies, or an advisory or consultative capacity that assures attention by the policy and decision-making bodies.

(B) The agency or association publishes or otherwise makes publicly available: (aa) The standards by which institutions are evaluated; (bb) the procedures utilized in arriving at decisions regarding the accreditation status of an institution; (cc) the current accreditation status of institutions and the date of the next currently scheduled review or

reconsideration of accreditation; (dd) the names and affiliations of members of its policy and decision-making bodies, and the name(s) of its principal administrative personnel; (ee) a description of the ownership, control and type of legal organization of the agency or association.

(C) The agency or association provides advance notice of proposed or revised standards to all persons, institutions, and organizations significantly affected by its accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption.

(D) The agency or association has written procedures for the review of complaints pertaining to institutional or program quality, as these relate to the agency's standards and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner that is fair and equitable to the complainant and to the institution or program.

(iii) It assures due process in its accrediting procedures, as demonstrated in part by:

(A) Affording initial evaluation of the institution only when the chief executive officer of the institution applies for accreditation of the institution;

(B) Providing for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(C) Furnishing, as a result of an evaluation visit, a written report to the institution commenting on areas of strengths, areas needing improvement and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution may not be in compliance with the agency's standards;

(D) Providing the chief executive officer of the institution with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting agency or association takes action on the report;

(E) Evaluating, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(F) Providing for the withdrawal of accreditation only for cause, after review, or when the institution does not permit re-evaluation, after due notice;

(G) Providing the chief executive officer of the institution with a specific statement of reasons for any adverse accrediting action, and notice of the right to appeal such action;

(H) Establishing and implementing published rules of procedure regarding appeals which will provide for: (aa) No change in the accreditation status of the institution pending disposition of an appeal; (bb) right to a hearing before the appeal body; (cc) supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(iv) It has demonstrated capability and willingness to foster ethical practices among the institutions which it accredits, including equitable student tuition refunds and nondiscriminatory practices in admissions and employment.

(v) It maintains a program of evaluation of its educational standards designed to assess their validity and reliability.

(vi) It secures sufficient qualitative information regarding the institution which shows an on-going program of evaluation of outputs consistent with the educational goals of the institution.

(vii) It encourages experimental and innovative programs to the extent that these are conceived and implemented in a manner which ensures the quality and integrity of the institution.

(viii) It accredits only those institutions which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.

(ix) It reevaluates at reasonable intervals institutions which it has accredited.

(x) It requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(xi) Reliability. Its reliability is demonstrated by—

(A) Demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluative criteria, procedures, and evaluation decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(B) Regular review of its standards, policies and procedures, in order that the evaluative process shall support constructive analysis, emphasize factors of critical importance, and reflect the educational and training needs of the student;

(C) Not less than two years' experience as an accrediting agency or association;

(D) Reflection in the composition of its policy and decision-making bodies of the community of interests directly affected by the scope of its accreditation.

(xii) Autonomous. Its autonomy is demonstrated by evidence that—

(A) It performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution.

(B) It provides in its operating procedures against conflict of interest in the rendering of its judgments and decisions.

(2) Accrediting associations or agencies recognized by the U.S. Office of Education as granting full institutional accreditation are currently recognized as meeting the requirements of this rule: PROVIDED, That the commission may at any time require such further evidence and make such further investigation as in its judgment may be necessary to verify compliance with its standards.

(3) The commission shall maintain a list of those accrediting agencies/associations which are recognized by the agency as meeting the requirements of this section and the purposes of this chapter.

#### NEW SECTION

**WAC 490-600-050 APPLICATION, ANNUAL RENEWAL AND AMENDMENTS.** (1) At the time an educational institution initially registers it shall file with the commission a statement of organization, in a form determined by that agency, which shall include the following:

(a) Name and address of the institution and a statement of whether it is a "private vocational school" or "dual purpose institution".

(b) Name and address of the owners of the institution, if the institution is incorporated then the names and addresses of the directors, officers and of any shareholders holding more than a ten percent interest shall be listed, or members of the governing board in the case of nonprofit institutions.

(c) Name and address of the chief administrative officer and all agents of the institution.

(d) A copy of each of the materials that the institution is required to supply prospective students prior to enrollment in accordance with section 6(4), chapter 188, Laws of 1979 1st ex. sess., including a list, with addresses, of all locations at which instruction is offered.

(e) A signed written statement from the chief administrative officer of the institution attesting to the truth and accuracy of the information provided in the statement of organization and any amendments thereto and pledging that the institution will comply with all of the requirements of the act and the rules adopted thereunder.

(f) A surety bond, cash or other negotiable security as described in section 11, chapter 188, Laws of 1979 1st ex. sess.

(g) Copies of enrollment agreement and/or student contract used by the institution.

(h) Copies of current balance sheet and income statement (owner's equity analysis) covering preceding year's operations. Institutions just starting operations at the time of initial registration may substitute a proposed operating budget for the succeeding twelve months period in lieu of an income statement.

(i) The name of a bank or other financial institution that may be consulted as a financial reference for the institution.

(2) At the time of each annual renewal, the institution shall file amended statement of organization indicating any changes from the information previously submitted, as well as evidence of continued compliance with the bonding or security requirement of the act and the certification statement of the chief administrative officer.

(3) Additionally, any change of circumstances which would require amendment to the information reported in the statement of organization must be filed with the commission within thirty days of the change along with a recertification statement by the chief administrative officer.

(4) A change of ownership of an institution shall nullify any previous registration of that institution, and the new owners or governing body shall file all of the material and pay the fee required during the initial registration of any institution.

**NEW SECTION**

**WAC 490-600-060 EDUCATION STANDARDS.** An educational institution required to register under the act shall be maintained and operated in compliance with the following standards:

**(1) Instructional content:**

(a) All programs must be of a vocational nature by developing competencies needed for employment in a recognized occupation as defined in the current edition of Dictionary of Occupational Titles, published by the United States Department of Labor, or occupations generally recognized by the industry in which the occupation is classified.

(b) Programs must adequately cover the subject, must be clearly presented, and must be in accordance with the best current knowledge and practice of trade, professional or manufacturing standards. Study must extend over a period of time sufficient to complete the work with standards appropriate for employment in the occupation for which trained or in a closely related occupation.

(c) The programs must be consistent in quality, content, and length with similar programs in public or private institutions in the state which are approved by the commission for vocational education.

(2) Instructional practices: Institutions shall provide favorable conditions for effective classroom instruction. A total pattern of successful instruction includes (a) well defined instructional objectives, (b) systematic planning, (c) selection and use of varied types of learning materials and experiences, (d) adaptation of organization and instructional procedures to student needs, (e) use of varied evaluation instruments and procedures, and (f) good student and teacher morale.

**(3) Facilities:**

(a) The physical plant shall meet the general test of safety, usefulness, cleanliness, high maintenance standards, adequate health standards, adequate lighting, and compliance with local and state laws governing physical facilities, particularly with respect to fire, health, safety and sanitation.

(b) The facility shall be adequate to meet the program objectives and provide enough classroom, laboratory, and shop space for the number of students to be trained.

(c) Home studios are acceptable only if unhampered for instructional purposes and conform to all other requirements for facilities and equipment as described herein.

(d) An adequate library must be provided which contains sufficient reference materials so that each student will be provided the essential related information required by the course content and objectives.

**(4) Equipment and materials:**

(a) Equipment, furniture, instructional devices, instructional aids, machinery and other physical features of the classroom or shop shall contribute directly to the achievement of the educational objectives of the course.

(b) The equipment must reflect the current equipage of the appropriate trade, business or profession, and be sufficient in quantity for the number of enrolled students.

(c) Equipment and materials must meet all of the requirements of local and state laws regarding fire, health, safety and sanitation.

(5) Qualifications of staff: The wide variations in the kind of institutions and courses makes it impractical to describe here all of the qualifications of staff. However, the following criteria are provided to assist institutions in selecting qualified personnel:

**(a) School directors and/or managers.**

(i) School directors/managers should meet the requirements of a vocational supervisor and have had at least two years of successful experience in vocational program supervision.

(ii) School directors/managers should possess sufficient experience as will convince the school owners or officers of their competence to plan and administer the over-all vocational education program of the institution.

**(b) Supervisory staff:**

(i) Supervisory personnel should meet all of the education and work experience requirements of full-time instructors appropriate to their area of specialization, and should have

(ii) Professional training which includes a course in vocational program supervision or not less than two calendar years of successful experience in the capacity of a supervisor in business, industry or public agency.

(c) Instructional staff: Teachers should be qualified in these areas of competency:

(i) Technical competency includes the knowledge of those skills and processes required of employees in the occupations for which the training is designed.

(ii) Instructional methodology includes a knowledge of teaching techniques and media, testing, evaluation, human relations, etc., as applied to vocational programs and courses.

(iii) Classroom management includes the control of the teaching environment to achieve predetermined educational objectives within a prescribed time frame.

(iv) Practical work experience in the occupation for which the teacher is hired to teach or in closely related occupations. A minimum of two calendar years above the learning period is desirable; one of which has been within the past five years.

(v) Others who do not meet the work experience and educational requirements specified above may be employed either on a full-time or a part-time basis, provided that such individuals possess appropriate technical skills and knowledge in the specific program area and work under the direct supervision of, or in direct coordination with, an appropriately qualified professional.

(d) Ancillary personnel (counselors, assistants, etc.), should display a knowledge of and experience in the techniques and procedures applicable to the nature of their duties.

(6) Directors, supervisors, instructors and ancillary personnel should be expected to update their qualifications and keep current with the state-of-the-art in their areas of responsibility.

(7) Directors, supervisors, instructors and ancillary personnel shall, where required by law or regulation, hold an appropriate certificate or license.

**(8) Number of teacher and student load:**

(a) A vocational class shall be structured so that the maximum number of students per instructor shall be determined by the number of training stations, safety factors, and individual instruction requirements of the specific skills being developed. Maximum enrollments for courses shall be established according to this principle.

(b) The institution shall employ qualified staff including but not limited to instructors, counselors, and supervisory personnel, in such numbers as required to provide all services that are offered.

(9) Entrance requirements: The institution shall use a satisfactory method of selecting students according to recognized educational practices. Entrance requirements shall be based upon the ability of the applicant student to perform at a level commensurate with the physical and/or mental demands of the courses offered by the institution.

(10) Catalog or brochure: Each institution must provide students and other interested parties with a catalog or brochure, supplemented as necessary by other published materials. The catalog or brochure must be updated and published at least every two years, and must include at least the following information:

(a) Identifying data, such as volume number, date of publication, and years for which the catalog is effective.

(b) Name of the school and its governing body, administrative officials, and faculty;

(c) A calendar of the school showing legal holidays, beginning and ending dates of each quarter, term, or semester, and other important dates;

(d) School policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each of the programs;

(e) School policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(f) School policy and regulations relative to standards of progress required of the student. This policy will define the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the school, and conditions for reenrollment for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the school and furnished to the student;

(g) School policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(h) Detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other student charges necessary for the completion of the course of study.

(i) Policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom;

(j) A description of the available space, facilities and equipment, and the usual class size;

(k) The educational objective of each course, including the name, nature and level of occupations for which training is provided;

(l) An outline for each program showing subject or units in the program, type of work or skill to be learned, approximate time and clock hours to be spent on each subject or unit, and the length of time in weeks or months normally required for completion.

(m) Policy and procedure relative to granting credit for previous education and training.

(n) Type of educational credential (certificate, diploma or degree, etc.), awarded upon graduation or completion of the program.

Degrees may be granted only by those institutions accredited as degree granting institutions under the provisions of WAC 490-600-045(5).

(o) A detailed and explicit description of the extent and nature of placement assistance available to students and/or graduates.

(p) Specifics describing the extent of other available student services, such as counseling, housing, etc.

(q) A statement on the first page or cover of the catalog that says "This school is registered with the Washington State Commission for Vocational Education under the Educational Services Registration Act of 1979 and has agreed to comply with the requirements and educational standards established by the commission for private vocational schools in the state of Washington."

(r) Such other material facts concerning the institution and the program as are reasonably likely to affect the decision of the student to enroll in the institution.

(s) Institutions licensed to operate by an agency of the state of Washington shall meet the educational standards enumerated by that licensing authority and shall be deemed to have met the requirements of this rule in so far as the educational standards stipulated by the licensing authority are contained within this rule.

#### NEW SECTION

WAC 490-600-061 EDUCATIONAL STANDARDS—CORRESPONDENCE SCHOOLS. In addition to the appropriate standards outlined in WAC 490-600-060, it is expected that correspondence and home-study schools shall:

(1) Have clearly defined and simply stated educational objectives for each of its courses, and that such objectives can be achieved through correspondence study,

(2) Offer only those courses that are sufficiently comprehensive, accurate and up-to-date, and the instructional materials and methods are educationally sound in terms of the course objectives and students to be enrolled, and,

(3) Provide adequate examination services, encouragement to students and attention to individual differences.

#### NEW SECTION

WAC 490-600-070 BUSINESS PRACTICES. (1) Business organization and ethics:

(a) All owners, officers, agents and faculty of an institution shall be identified as persons of integrity in character and business practices. The commission may refuse, suspend or revoke the certificate to operate if it finds that any of the above school personnel has pleaded guilty, entered a plea of nolo contendere or had been found guilty of a crime or felony involving moral turpitude by a judge or jury in any state or federal court.

(b) The institution must operate on the basis of sound financial and administrative policies and at all times adhere to ethical practices as may be attested to by responsible business or financial firms, credit associations, or other reputable persons.

(2) Laws and regulations: An institution must operate in compliance with applicable federal and state laws, and local ordinances and regulations.

(3) Advertising:

(a) Statements about the school must be completely truthful and factual and must avoid leaving any misleading, false, or exaggerated impression, either by actual statement, omission, or intimation.

(i) An institution may not advertise or publicize that it is approved, recommended, or endorsed in any way by the Commission for Vocational Education.

(b) Neither the institution nor its agents shall engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair.

(4) Records retention:

(a) The records to be retained pursuant to section 18, chapter 188, Laws of 1979 1st ex. sess. shall include, but necessarily be limited to:

(i) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students;

(ii) Records of previous education or training of students at the time of admission and records of credit, if any, granted by the institution at the time of admission with the student so notified;

(iii) Records of the student's grades and progress;

(iv) Individual instructor's class records and permanent office records for each student;

(v) Records of leave, absences, class cuts, make-up work, tardiness;

(vi) Records of interruption for unsatisfactory conduct or attendance, and;

(vii) Records of refunds of tuition, fees, and other charges made to the student.

(b) Institutions will maintain and have available for inspection for a period of twelve months, complete records and copies of all advertising, sales, and enrollment materials used by or on behalf of the institution.

(c) Plus, and as appropriate, the documents identified in WAC 490-600-070(5)(a).

(6) The institution shall comply with its published policies, procedures and standards and shall not change these policies, procedures and standards without due notice as required by the act.

(7) The certificate of registration shall be prominently displayed at some place on the premises of the institution open to the inspection of all interested persons.

(8) Any institution shall grant to the commission access to such records and facilities as may be necessary for that agency to carry out its responsibilities under the act.

#### NEW SECTION

WAC 490-600-071 MINIMUM CANCELLATION AND REFUND POLICY. The intent of the minimum cancellation and refund policy, is to see that each applicant/student is assured minimum conditions of refund, and that the school will be assured of its integrity if it meets these minima. Many schools, however, have more liberal practices and the commission encourages such practices.

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy must apply to all terminations, for any reason, by either party.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school.

(2) Termination date. The termination date for resident schools for refund computation purposes is the last date of actual attendance by the student. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may require that notice be made by parent or guardian if the student is below legal age.

If a student fails, without written explanation to proper institutional authorities, to attend classes for a period of thirty days during which resident classes are in session, the institution shall officially terminate the student from the program or course of instruction, and refund tuition and fees according to its published refund policy.

(3) Refund policy: Resident schools. Details of the school's own definite and established refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Rejection. An applicant rejected by the school shall be entitled to a refund of all moneys paid.

(b) Three-day cancellation. All moneys paid by an applicant will be refunded if requested within six days after signing an enrollment agreement and making an initial payment.

(c) Other cancellation. Any applicant subsequently requesting cancellation shall be entitled to a refund of all moneys paid minus a registration fee of ten percent of the contract price of the course, but in no event may the school retain more than one hundred dollars.

(d) First week. For a student terminating training after entering school and starting the course of training but within the first week, the tuition charges made by the school shall not exceed ten percent of the contract price of the course plus one hundred dollars, but in no event more than three hundred dollars.

(e) After first week. For a student terminating training after one week but within the first twenty-five percent of the course, the tuition

charges made by the school shall not exceed twenty-five percent of the contract price of the course plus the registration fee.

(f) After twenty-five percent. For a student terminating training after completing over twenty-five percent but within fifty percent of the course, the tuition charges made by the school shall not exceed fifty percent of the contract price of the course plus the registration fee, thereafter.

(g) The institution may retain one hundred percent of the stated tuition.

(h) Special cases. In case of student prolonged illness or accident, death in the family, or other circumstances that make it impractical to complete the course, the school shall make a settlement which is reasonable and fair to both.

(4) Application of policy. A school year for resident schools is defined by the period of time that the required learning experiences are fully available to the student. Thus, for institutions having open scheduling and operating year round, a school year is a period of twelve calendar months. However, for institutions operating on a quarter or semester basis and not providing a full range of learning experiences on a year-round basis, the school year will be defined as the number of quarters/semesters that the full range of learning experiences are available.

(a) For courses longer than one school year in length, the cancellation and refund policy shall apply to the stated course price attributable to each school year.

(b) All of the stated course price attributable to the period beyond the first year will be refunded when the student terminates during the first year.

(c) Percentage of course completion shall be computed on the basis of the amount of time in the course as expressed in clock, quarter, or semester hours or other academic periods as listed in the catalog.

(d) Any moneys due the applicant or student shall be refunded within thirty days after cancellation or termination.

(5) Extra expenses. Items of extra expense to the student such as housing, board, instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges need not be considered in tuition refund computations provided they are separately shown in the enrollment agreement, catalog, or in other published data furnished the student before enrollment. When items of major expense are separately shown for this purpose, the school must also state its policy for reasonable settlement of such charges in the event of early termination.

(6) If promissory notes or contracts for tuition are sold or discounted to third parties, students or their financial sponsors must sign a statement authorizing such sales, and the school must comply with its cancellation and refund policy. Schools must notify all third parties of the cancellation and refund policy of the school.

(7) Institutions shall modify a student's contract and provide an exact pro rata refund to the student for any arbitrary and unilateral change by the institution of schedule times for course instruction, reduction of contracted training time, reduction of course content, or other actions which effectively reduce the ratio of training to course costs.

(8) For correspondence and/or home student schools the following applies as minimum refund policies:

(a) An enrollment may be canceled by an applicant student within three days from the day on which the enrollment agreement is signed. An applicant student requesting cancellation in whatever manner within this time shall be given a refund of all money paid to the school or its representatives.

(b) From three days after the day on which the enrollment agreement is signed and until the time the school receives the first completed lesson assignment from the student, upon cancellation, the school is entitled to the registration fee of either twenty-five dollars or fifteen percent of the tuition up to one hundred dollars, whichever is less.

(c) After receipt of the first completed lesson assignment, if the student requests cancellation, the school shall be entitled to a tuition charge which shall not exceed the following:

(i) Up to and including the first ten percent of the course, the registration fee plus ten percent of the tuition.

(ii) After completing ten percent of the course and up to and including the completion of twenty-five percent of the course, the registration fee plus twenty-five percent of the tuition.

(iii) After completing twenty-five percent of the course and up to and including completion of fifty percent of the course, the registration fee plus fifty percent of the tuition.

(iv) If the student completes more than half of the course, the full tuition.

The amount of the course completed shall be the completed lesson assignments received for service by the school as compared to the total lesson assignments in the course.

(d) Upon cancellation, all money due the student shall be refunded within thirty days.

#### NEW SECTION

WAC 490-600-072 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. This checklist has been prepared to serve as a guide in preparing contracts.

It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood.

(1) Required elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligations, responsibilities, and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and any other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title as identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Certificate, diploma or degree, etc. Identification of type of document to be received by student upon successful completion of the course or program.

(f) Costs.

(i) Tuition. Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g. quarter, semester, etc.), and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in tuition charges.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Method and terms of payment. Must comply with Federal Truth-In-Lending and state retail installment requirements.

(g) Starting date. Scheduled class starting date.

(h) Class schedule. All day, morning, afternoon, evening, split, or other time of class attendance.

(i) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(j) Cancellation or termination by student. How to cancel or voluntarily terminate.

(k) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 490-600-071.

(l) Employment assistance. Employment guarantee disclaimer.

(m) Effective date. Not binding until accepted in writing at the school or headquarters of school group, if appropriate.

(n) Attachments. Attachments may be used only for items not required to be in the enrollment agreement.

(o) Acknowledgements. Acknowledgement that signers have read and received a copy of the contract. This should be large and conspicuous.

(p) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(q) School signature. Acceptance date and signature of appropriate official at the school if not otherwise accepted in writing (by letter, etc.).

(r) Other elements. Other elements required by various governmental bodies (such as state licensing and approval agencies, consumer protection laws, etc.).

(i) A statement that the school is registered under this chapter, and that the student has certain rights under the Washington Educational Services Registration Act, chapter 188, Laws of 1979 first extraordinary session (46th Legislative Session).

(ii) A notification that, in addition to any other remedies in the event of any dispute concerning the terms of the contract, either party may seek resolution of the dispute by consulting the Commission for Vocational Education or the Attorney General of the state of Washington.

(2) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school. The following are some specific examples.

(a) Single page. If the contract is not completed on one side of a single sheet of paper, each side must clearly and conspicuously refer to the conditions on the other as being a part of the contract.

(b) Starting date. If the scheduled starting date is subject to postponement:

(i) Reasons and maximum period for possible delay.

(ii) Alternatives, and effect or change of the refund policy.

(c) Training changes. If the course content, materials, or schedule are subject to change at the discretion of the school:

(i) Nature and extent of possible change.

(ii) Extra expenses to the student.

(d) Graduation requirements. Listing of any special graduation conditions or requirements.

(e) Extra charges. If any extra charges may be assessed:

(i) Nature of charge (such as make-up, repeat, special testing, equipment, housing, late charge, or other school services).

(ii) A fair refund policy, if payment for extras is collected in advance.

(f) Tuition changes. If the school reserves the right to adjust tuition rates before completion of the course:

(i) Specific points in the course at which changes may occur (school year, quarter, etc.).

(ii) The amount of reasonable advance notice to be provided to students.

(g) Sale of contract. If contracts or promissory notes are sold, discounted, or otherwise transferred:

(i) Authorization of the applicant (and financial sponsors, if any).

(ii) Statement that the refund policy continues to apply.

(h) Disclosures. Such elements as may be necessary to clarify any other requirements which are subject to being easily misunderstood.

(i) Items identified by previous misunderstandings.

(ii) Clear disclosure of expected conditions not otherwise covered.

(iii) Specific rights and obligations of the parties.

#### NEW SECTION

WAC 490-600-073 BONDING. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from Washington residents, but not less than five thousand dollars nor in excess of seventy-five thousand. Institutions not having been in operation prior to the date of their initial registration shall base their bond amount upon the tuition fees estimated in the budget required by WAC 490-600-050(h)(i): PROVIDED, That as soon as actual receipts exceed the estimated amount, the institution shall amend their bond coverage accordingly.

(2) In lieu of the surety bond provided for herein, the institution may furnish, file and deposit with the commission, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount and of such proportions as required in subsection (1) of this section.

(a) Escrow account which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have a full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release same to the owner or school unless the commission advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the commission and deposited with the agency as would a bond. The irrevocable letter of credit will be released to the school a year after the school has ceased to be in operation, or immediately when replaced by another instrument with similar amount.

#### NEW SECTION

WAC 490-600-075 VIOLATIONS, PENALTIES AND APPEALS. If the commission shall determine that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the minimum standards prescribed in the act and by this rule, the commission after notice and an opportunity for a hearing may deny the issuance or continuance of a certificate of registration or may establish conditions in conformity with these provisions which shall be met by said school prior to issuance or continuance of such a certificate.

**WSR 79-10-153  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed October 3, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on September 27, 1979. They will become effective on October 1, 1979.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond  
Executive Assistant  
Department of Social and Health Services  
Mailstop OB-44 C  
Olympia, WA 98504;

that such agency will at 2:00 p.m., Wednesday, November 7, 1979, in the Auditorium, State Office Building #2, 12th and Jefferson, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 21, 1979, in William B. Pope's office, 3-D-14, State Office Building #2, 12th and Jefferson, Olympia.

The authority under which these rules are proposed is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 2:00 p.m., Wednesday, November 7, 1979, Auditorium, State Office Building #2, 12th and Jefferson, Olympia, WA.

Dated: September 26, 1979

By: Glen H. Miller  
Assistant Secretary

#### AMENDATORY SECTION (Amending Order 1382, filed 3/28/79)

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

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



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

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

(c) Summarize all audit disallowances; and

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

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

(ii) ~~(In the patient care cost area, the contractor shall also refund the percentage of the amount paid (less any recovery under subsection (i) above) equal to the percentage by which average per patient day nursing service hours provided were less than the minimum number of hours issued by the department;~~

~~(iii)) In the administration and operations and property cost areas, (payments in excess of allowable costs will normally be retained by the contractor. Those overpayments shall be refunded only in the following circumstances:~~

~~(A) Costs totaling \$0.02 per patient day or \$1,000, whichever is higher, in any cost area, were reported which cannot be documented at audit, or accumulated liabilities of at least that amount were not properly reversed in accordance with WAC 388-96-032 or 388-96-113; or~~

~~(B) All conditions and standards were not met during the entire fiscal year, as determined by the department in Title XIX certification surveys. The portion of the total overpayment attributable to thirty days plus the number of days from the date of the first survey at which a standard or condition was found unmet until the date of the survey showing all conditions and standards met will be recovered. For IMR facilities with initial certification conditioned upon meeting a plan of correction relating solely to IMR program standards, overpayments will not be recovered if the IMR program standards are met within this initial plan of correction; and) after January 1, 1979, the contractor shall refund all portions of payments received for recipients in excess of administration and operations and property costs, respectively, for those recipients;~~

~~((iv)) (iii) In the property cost area, the contractor shall refund amounts determined under WAC 388-96-571(4) or 388-96-573.~~

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

(4) If the contractor does not refund the overpayment or any installment when due, the department may withhold payments from current billings until the overpayment is refunded. Payments will only be withheld under this subsection up to the unrefunded amount of the overpayment.

#### AMENDATORY SECTION (Amending Order 1353, filed 10/20/78)

##### WAC 388-96-719 METHOD OF RATE DETERMINATION.

(1) Data used in determining rates will be taken from the most recent complete, desk-reviewed annual cost report and from certified quarterly reports submitted by each contractor. ~~(If no annual report is available, the most recent desk-reviewed semiannual report will be used. Data from reports covering a period of less than six full months will not be used in determining rates, except for such reports which are submitted in accordance with WAC 388-96-101(2). Data from these reports will be combined with data from the report period immediately preceding the abbreviated period for purposes of determining rates.)~~

(2) Data containing obvious errors, data for facilities which are out of compliance with any standard or condition at any time during the reporting period, and data for facilities with average occupancy ratios of less than eighty-five percent for the report period, will be excluded

from the determination of predicted costs and rate ranges under subsections (4) and (6) of this section.

(3) Each contractor's reported cost data except, after December 31, 1978, for depreciation, interest and lease costs, will be adjusted for economic trends based on component indices of the consumer price index issued by the United States department of labor, bureau of labor statistics. The national averages for the most recent twelve-month period will be applied in rate computations for the cost areas in subdivisions (a)(;) and (b) ~~((and (c)))~~ of subsection (3):

(a) Patient care—~~((health and recreation))~~ medical care—other professional services index;

(b) Administration and operations—Average of the "all items less food" and "services less care services" indices;

(c) ~~((Property—"shelter" index, and~~

~~(d) Beginning July 1, 1978;))~~ For the food cost area, the Seattle consumer price index for food at home over the most recent twelve month period will be used.

(4) A predicted cost per patient day (excluding cost data and patient days relating to exceptional care recipients) in ~~((each of the four cost areas))~~ the property cost area will be determined for each facility through multiple regression analysis, ~~((which allows the assessment of the joint impact of a set of factors on cost. The formula for the linear multiple regression function is:~~

$$Y_c = A + B_1X_1 + B_2X_2 + \dots + B_kX_k$$

where:

$Y_c$  is the predicted cost per patient day for an individual facility;

$A$  is the base cost for a hypothetical facility where the factors all are zero;

$B_1, B_2, \dots, B_k$  are the regression coefficients for the factors; and

$X_1, X_2, \dots, X_k$  are the independent variables or factors measuring the relevant characteristics of a facility;

$A$  and  $B_1, B_2, \dots, B_k$  are determined statistically by the method of least squares. In order to be included in a regression formula, factors must show statistical predictability by being significant at the twenty percent level) that does not include leased facilities which will be developed by the department and will recognize factors which may be significant, including location, age, and type of facility.

~~((5)) (a) After all predicted costs per patient day have been computed, the difference between each facility's reported costs, adjusted to take into account economic trends, and the predicted cost will be computed. The standard deviation of the difference will also be calculated.~~

~~((6)) (b) To determine an individual contractor's prospective rate, its predicted cost for the ((patient care, food, and administration and operations cost areas is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived in the regression analysis described above. Beginning July 1, 1978 to determine an individual contractor's prospective rate in the)) property cost area (, its predicted cost) is revised using the most current factor values that have been determined for the individual facility and the base cost and weights derived within the last twelve month period in the regression analysis described above. A rate ((range)) ceiling, defined as this predicted cost plus ((and minus)) one standard deviation of the difference calculated, in accordance with ((subsection (5))) subdivision (a) of this ((section)) subsection, for the ((food, administration and operations, and)) property cost area(s)) will then be determined. ((Beginning July 1, 1978 the rate range for the patient care cost area will be plus 1.75 standard deviations and minus one standard deviation from the predicted cost.)) If the contractor's reported costs ((adjusted for economic trends) are lower than the lower limit of the rate range, the lower limit will be the contractor's reimbursement rate. If these adjusted reported costs) are higher than the upper limit of the rate range, the upper limit will be the contractor's reimbursement rate. If these adjusted reported costs fall within the standard rate range, the contractor's reimbursement rate will equal the adjusted reported costs.~~

~~((7)) (5) Where new standards are imposed, or the department wishes to encourage additional services or otherwise change the program, a cost-related adjustment will be made to the appropriate cost area rates of each contractor affected by the program change. Adjustments will be made until reported costs used in setting rates reflect the new standards or program changes.~~

#### AMENDATORY SECTION (Amending Order 1349, filed 10/9/78)

WAC 388-96-722 PATIENT CARE COST AREA RATE. (1) The patient care cost area reimbursement rate will be computed to cover the necessary and ordinary costs of providing routine services

and supplies to recipients in accordance with WAC 388-88-050 and 388-88-051.

(2) ((The regression equation used in the patient care cost area will contain weights for the following four factors:

(a) Locality of the facility. This factor adjusts the base cost to provide for local market conditions. Facility location will be considered "urban" if it is in one of the four Standard Metropolitan Statistical Areas (SMSA). It will be considered "rural" if it is not in an SMSA. SMSA areas are those established in the 1970 census for the state of Washington.

(b) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on patient care costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes will be distinguished from facilities whose primary mission is the delivery of nursing home care.

(c) Characteristics of patients in the facility, as determined by the department. This factor adjusts the base cost to provide for the effect patient mix has on patient care costs. Beginning July 1, 1978, this factor will be derived using a uniform patient assessment performed by the department. It will consist of the average functional status score of medical care recipients in the facility. Data will cover all recipients assessed in time to be included in the analysis. The most recent assessment data collected on each recipient will be used. The functional status score will be determined using the Katz ADL Scale.

(d) Number of floors of the facility. This factor adjusts the base cost to provide for the effect of physical plant differences on patient care costs. Data will be derived from inspection records in the state fire marshal's office.)) (a) Beginning October 1, 1979, predicted patient care staffing hours per patient day in the patient care cost area will be determined for each facility through multiple regression analysis. The dependent variable will be patient care staffing data from recent cost reports or certified quarterly reports provided by the contractor. The independent variable will be the average functional status score of medical recipients in the facility as determined by the Katz ADL Scale.

(b) After the predicted patient care staffing hours per patient day have been computed, the difference between each facility's reported patient care staffing hours and the predicted hours will be computed. The standard deviation of the difference will also be calculated.

(c) A patient care staffing hours ceiling, defined as the predicted cost plus one-quarter of one standard deviation of the difference calculated in accordance with subdivision (a) of this subsection will then be determined.

(d) Beginning July 1, 1979, standard hours will be established using staffing data from recent cost reports and certified quarterly reports. For a facility, standard hours will be the facility's reported hours. Beginning October 1, 1979, a maximum patient care staffing hour ceiling will be calculated in accordance with subdivision (c) of this subsection. Standard hours may be adjusted by the department in cases where characteristics of patients in a facility have changed and staffing levels are below levels predicted by the regression equation. The wages for patient care personnel shall be the sum of the product of ninety percent of the prevailing wages for the categories of nursing assistants, licensed practical nurses, registered nurses, and noncontractual therapists and related restorative employees, expressed as an hourly rate, based upon the state-wide salary survey conducted pursuant to RCW 41.06.160. The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.

(e) For IMR facilities, standard hours may be modified by the survey section, office of nursing home affairs in consultation with the department's division of developmental disabilities.

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

will be adjusted using the ratio of patients in each level of care at the time the new certification becomes effective. When the department requires new standards or makes program changes which require more or less nursing service, the range will be adjusted as of the effective date of the new standard or program change.

#### AMENDATORY SECTION (Amending Order 1264, filed 1/9/78)

WAC 388-96-727 FOOD COST AREA RATE. (1) The food cost area rate will be computed to cover the necessary and ordinary costs of procuring food, dietary supplements and beverages for meals and between-meal nourishment for recipients.

(2) ((The regression equation used in the food cost area will contain weights for the following four factors:

(a) Location of the facility—King county.

(b) Location of the facility—Clark county.

(c) Location of the facility—Spokane county.

These factors adjust the base cost to provide for local market conditions in these three urban counties.

(d) Type of facility. This factor adjusts the base cost to provide for the effect institutional requirements have on food costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes will be distinguished from those facilities whose primary mission is the delivery of nursing home care.)) On July 1, 1979, food reimbursement shall be one hundred fifteen percent of the state-wide average or approximately the ninetieth percentile of all costs for bulk and raw foods and beverages purchased for dietary needs, expressed as a per patient day amount. Rate increases subsequent to July 1, 1979, will be based on increases in the Seattle consumer price index for food as specified in WAC 388-96-719(3)(c).

#### AMENDATORY SECTION (Amending Order 1264, filed 1/9/78)

WAC 388-96-735 ADMINISTRATION AND OPERATIONS COST AREA RATE. (1) The administration and operations cost area reimbursement rate will be computed to cover the necessary and ordinary costs of overall management of the facility, operation and maintenance of the physical plant, and providing dietary service (other than the cost of food and beverages), medical supplies, taxes and insurance.

(2) ((The regression equation used in the administration and operations cost area will contain weights for the following six factors:

(a) Location of the facility—Clark county.

(b) Location of the facility—Spokane county.

These two factors adjust the base cost to provide for local market conditions in the two counties.

(c) Type of facility. This factor provides for the effect institutional requirements have on administration and operations costs. Facilities such as hospitals and other institutions which are certified providers but not licensed as nursing homes are distinguished from those facilities whose primary mission is the delivery of nursing home care.

(d) Type of certification of the facility. This factor adjusts the base cost to provide for the effect differences in certification requirements have on administration and operations costs. Facilities with ICF-only certification will be distinguished from those with SNF-only and SNF/ICF (dual) certification.

(e) Number of floors of the facility.

(f) Age of the facility. Factors (e) and (f) adjust the base cost to provide for the effect of physical plant differences on administration and operations cost. Data will be derived from inspection records in the state fire marshal's office.)) The administration and operations cost area reimbursement rate will be calculated as follows:

(a) Beginning July 1, 1979, hours for support staff other than administrators and assistant administrators will be taken from recent cost reports and certified quarterly reports provided by the contractor. Hours of support staff per patient day will be calculated. Standard hours for support staff will be determined as reported support staff hours per patient day. Beginning October 1, 1979, a limit of the eighty-fifth percentile of reported hours for all reporting facilities will be established.

(b) Wages for the above employees shall be the sum of the product of ninety percent of the prevailing wages expressed in an hourly rate, based on the state-wide salary survey as conducted pursuant to RCW 41.06.160. The standard hours will be combined with the wages determined above to calculate a rate.

(c) For IMR facilities, standard hours may be modified by the survey section, office of nursing home affairs in consultation with the department's division of developmental disabilities.

(d) Other allowable administration and operations costs will be taken from the most recent desk-reviewed annual cost report and updated using the inflation factors specified in WAC 388-96-719(4). Reimbursement for this portion of administration and operations will be limited to the eighty-fifth percentile of all reporting facilities, except that facilities may be grouped by factors other than owners or legal organizational characteristics, which could reasonably influence cost requirements for administration and operations.

**AMENDATORY SECTION** (Amending Order 1264, filed 1/9/78)

WAC 388-96-743 PROPERTY COST AREA RATE. ((+)) The property cost area reimbursement rate will be computed to cover the necessary and ordinary costs of depreciation, interest, taxes, insurance, and rent of real and personal property.

(2) The regression equation used in the property cost area will contain weights for the following seven factors:

(a) Location of the facility—King county;

(b) Location of the facility—Clark county;

(c) Location of the facility—Spokane county;

These three factors adjust the base cost to provide for local market conditions in the three counties:

(d) Size of the facility. This factor adjusts the base cost to provide for the effect differences in size (defined as the number of licensed beds) have on property costs:

(e) Age of the facility;

(f) Facility's fire detection protection;

(g) Construction type. Facilities with types 1 and 2 construction will be distinguished from those with types 3, 4 and 5 construction. Factors (e), (f) and (g) adjust the base cost to provide for the effect of physical plant differences on property costs. Data will be derived from inspection records in the state fire marshal's office.)

Property reimbursement shall not exceed the predicted cost plus one standard deviation of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the department of social and health services, recognizing factors which may be significant, including location, age and construction type of facility. Rental costs of leased facilities shall be reimbursed to the extent they do not exceed the upper band of the multiple regression formula for comparable owner-operated facilities.

Community College, 801 Wetmore Avenue, Everett, Washington 98201.

Dated: October 2, 1979

By: Gilbert J. Carbone  
Assistant Director

**AMENDATORY SECTION** (Amending Order 72, Resolution 78-31, filed 6/30/78)

WAC 131-08-005 GENERAL DESCRIPTION OF STATE BOARD ORGANIZATION AND OPERATIONS. (1) The State Board for Community College Education consists of seven members appointed by the governor. Successors of the members initially appointed serve for terms of four years. ((For)) For ((+1978)) 1980, regular meetings will be held on January ((+2)) 17, ((March 2)) February 28, April ((6)) 10, May ((+7)) 22, ((and)) June ((28)) 26, September ((7)) 11, October ((+8)) 16, and ((November 30)) December 4. Meetings shall commence at 8:30 a.m. ((and are held on the campus of the Olympia Technical Community College, 2011 Mottman Road, Olympia, Washington)).

(2) The executive officer and secretary of the board is the director of the state system of community colleges. He is in charge of the offices of the board and responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. He exercises, in the name of the board, all powers and duties delegated to him by the board and at the direction of the board executes, together with the chairman of the board, all contracts entered into by the board.

(3) It is the board's duty to exercise general supervision and control over the state system of community colleges consistent with the specific powers and duties set forth in the Community College Act of 1967, chapter 28B.50 RCW.

(4) The board's office is located in Olympia, Washington, 319 Seventh Avenue, 98504.

Information and assistance may be obtained at the board office. Formal submission or requests to the state board should be addressed to the director at the Olympia office.

**WSR 79-10-154  
PROPOSED RULES  
STATE BOARD FOR  
COMMUNITY COLLEGE EDUCATION  
[Filed October 3, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning the establishment of meeting dates for 1980, amending WAC 131-08-005;

that such agency will at 8:30 a.m., Wednesday, November 28, 1979, in the Everett Community College, 801 Wetmore Avenue, Everett, Washington 98201, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Wednesday, November 28, 1979, in the Everett Community College, 801 Wetmore Avenue, Everett, Washington 98201.

The authority under which these rules are proposed is RCW 28B.50.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 28, 1979, and/or orally at 8:30 a.m., Wednesday, November 28, 1979, Everett

**WSR 79-10-155  
PROPOSED RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION  
[Filed October 3, 1979]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of WAC 480-90-201, 480-90-206, 480-90-216, 480-90-221, 480-90-226, 480-90-231, 480-90-241, 480-90-246, 480-90-251, 480-90-256, 480-90-261, 480-90-266, 480-90-271, 480-90-276, 480-90-281 and 480-90-286 concerning the prohibition by natural gas distributors to install outdoor lighting fixtures or provide natural gas to its nonresidential customers for outdoor lighting and procedures for requesting exemption. The proposed rules are shown below as Appendix A, Cause No. U-79-45. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposals on economic values pursuant to chapter 43.21H RCW and WAC 480-08-050(17). This is notice of intention to adopt on a permanent basis rules adopted on an emergency basis on October 3, 1979, General Order No. R-132, and filed with the code reviser's office on the same date;

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday,

November 7, 1979, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040(4) and 80.04.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 2, 1979, and/or orally at 8:00 a.m., Wednesday, November 7, 1979, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: October 3, 1979

By: David Rees  
Secretary

#### NEW SECTION

**WAC 480-90-201 PROHIBITED FIXTURES.** A utility is prohibited from installing or replacing a natural gas outdoor lighting fixture for any customer after November 9, 1978, unless such fixture(s) was installed prior to November 9, 1978, and an exemption has been granted pursuant to WAC 480-90-221, 480-90-226, or 480-90-231.

#### NEW SECTION

**WAC 480-90-206 EXEMPTIONS FIXTURES.** Any federal, state, local government agency, historical association or any interested person using natural gas for outdoor commercial lighting of historical significance may petition the Washington utilities and transportation commission for an exemption from the prohibition set forth in WAC 480-90-201 but only as to exemptions covered by WAC 480-90-221, 480-90-226, and 480-90-231. An exemption shall only be granted for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978, and where a petition is filed for exemption pursuant to WAC 480-90-221 or 480-90-231. Such replacement shall include:

- (1) Replacement of an extant original or reproduction fixture; or
- (2) Installation of an original or reproduction fixture to replace a fixture which existed during the life of the specified historic property.

Where an exemption is requested pursuant to WAC 480-90-226, then such replacement shall include replacement of an extant fixture only.

#### NEW SECTION

**WAC 480-90-216 PROHIBITED SERVICE.** A utility is prohibited from providing natural gas to a nonresidential customer when the end use of all or part of that service is to provide natural gas for outdoor gas lighting unless an exemption has been granted to such customer by the commission.

#### NEW SECTION

**WAC 480-90-221 EXEMPTIONS—PROHIBITED SERVICE—LIGHTING OF HISTORICAL SIGNIFICANCE.** A federal, state, or local government agency, or an appropriate historical association may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 for any property on the basis that the outdoor lighting is of historical significance or of a traditional nature and conforms with the cultural or architectural style of the area. Petitioner shall certify that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified property or district and an exemption will be granted upon a finding that the specifically identified property or district:

- (1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior pursuant to the National Historic Preservation Act (16 U.S.C. § 470 as amended) applicable regulations (36 C.F.R., Parts 60 and 63), and Executive Order No. 11593; or
- (2) Is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. § 191, § 280B) and applicable regulations; or

(3) Is recognized by the local governing body as being of a traditional nature and having cultural or architectural significance.

#### NEW SECTION

**WAC 480-90-226 EXEMPTIONS—PROHIBITED SERVICE—MEMORIAL LIGHTING.** A federal, state, or local government agency, or an appropriate historical association may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of memorial lighting. Petitioner shall certify that the specifically identified outdoor lighting fixture(s) directly contributes to preserving the memory of a deceased person or persons and an exemption shall be granted upon such a finding by the commission.

#### NEW SECTION

**WAC 480-90-231 EXEMPTIONS—PROHIBITED SERVICE—COMMERCIAL LIGHTING OF HISTORICAL SIGNIFICANCE.** Any interested person using natural gas outdoor lighting for commercial purposes may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis that the outdoor lighting is of historical significance or is of a traditional nature and conforms with the cultural or architectural style of the area. Petitioner shall certify that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified property or district and an exemption will be granted upon a finding that the specifically identified property or district:

- (1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior, pursuant to the National Historic Preservation Act (16 U.S.C. § 470 as amended), applicable regulations (36 C.F.R., Parts 60 and 63), and Executive Order No. 11593; or
- (2) Is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. § 191, § 280B), and applicable regulations; or
- (3) Is recognized by the local governing body as being of a traditional nature and having cultural or architectural significance.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 480-90-241 EXEMPTIONS—PROHIBITED SERVICE—SAFETY OF PERSONS AND PROPERTY.** A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of the necessity to protect the safety of persons and property if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that:

- (1)(a) Compliance with the prohibition would significantly increase the chance of bodily injury or damage to property; or
- (b) Compliance with the prohibition would significantly increase the chance of the occurrence of crime; or
- (c) The lighting is necessary because other existing lighting does not provide lighting adequate to ensure conformance with American National Standards Institute (ANSI) Standard No. D 12.1. "The American National Standard Practice or Roadway Lighting;" and
- (2)(a) Would impose a substantial hardship on a person other than a local distribution company, a pipeline company, or a company that manufactures or supplies natural gas outdoor lighting fixtures, in terms of personal income or savings; or
- (b) Would not be justified by the savings likely to be accrued over the useful life of the substitute lighting facility.

#### NEW SECTION

**WAC 480-90-246 EXEMPTIONS—PROHIBITED SERVICE—SUBSTANTIAL EXPENSE.** A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of substantial expense which would not be cost justified, if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that compliance with the prohibition set forth in WAC 480-90-216 would substantially and negatively affect the profit margin, return on

investment, or rates of a local distribution company and an exemption shall be granted upon a finding to this effect.

#### NEW SECTION

**WAC 480-90-251 EXEMPTIONS—PROHIBITED SERVICE—PUBLIC INTEREST.** A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of the public interest and consistency with the purposes of the Power Plant and Industrial Fuel Use Act of 1978, if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that converting a specific natural gas outdoor lighting fixture(s) to substitute lighting would not reduce the use of natural gas and upon a finding to this effect an exemption shall be granted.

#### NEW SECTION

**WAC 480-90-256 EXEMPTIONS—STAYS.** The filing of a petition for exemption shall result in a stay from the prohibition set forth in WAC 480-90-216.

#### NEW SECTION

**WAC 480-90-261 TEMPORARY EXEMPTION—TIME TO INSTALL SUBSTITUTE LIGHTING.** A local distribution company or an interested person using natural gas outdoor lighting may petition the commission for a temporary exemption from the prohibition set forth in WAC 480-90-216. Petitioner shall certify that:

- (1) No adequate outdoor lighting (other than that using natural gas) is available at the time the applicable prohibition became effective; and
- (2) The time required for installation of the substitute lighting will not extend beyond one year from the date the applicable prohibition became effective, unless facts and circumstances warrant a longer period.

Upon a finding to that effect, a temporary exemption will be granted.

#### NEW SECTION

**WAC 480-90-266 UTILITY TO NOTIFY CUSTOMER.** The utility shall immediately notify in writing each nonresidential customer known to the utility who uses natural gas for outdoor gas lighting and inform that customer of the prohibition in WAC 480-90-201 and 480-90-216. The utility shall also inform the customer of the exemptions available as well as the criteria for each exemption and the procedures for filing an exemption pursuant to WAC 480-90-271. Within fifteen days of mailing the notification to the customers, the utility shall submit the names of these customers to the commission as well as the addresses and dates of mailing.

#### NEW SECTION

**WAC 480-90-271 PETITIONS FOR EXEMPTION.** The non-residential customer may file a petition with the commission certifying to the criteria set forth in the appropriate exemption within forty-five days of receipt of notification by the utility. The commission upon receipt of such petition shall forward a copy to the utility serving that customer. Should additional information be required of either the customer or the utility, those parties shall be notified by the commission. The commission shall then grant or deny the petition for exemption and shall inform the customer and utility of its decision.

#### NEW SECTION

**WAC 480-90-276 ACTION FOR FAILURE TO COMPLY.** If the commission denies a petition for exemption, the utility shall allow a reasonable time for the nonresidential customer to discontinue the use of natural gas outdoor lighting, arrange for substitute lighting, or file a petition pursuant to WAC 480-90-261. In the event that the customer takes no such action within a reasonable time, the service will be deemed prohibited and the utility shall take appropriate procedures to discontinue service as authorized under WAC 480-90-071.

If the customer fails to petition for exemption and fails to discontinue the use of natural gas for outdoor lighting, the service will be assumed prohibited and the utility shall take appropriate procedures to discontinue service as authorized under WAC 480-90-071.

#### NEW SECTION

**WAC 480-90-281 PROCEDURE FOR UNKNOWN PROHIBITED USE.** In the event a utility is notified or becomes aware of an alleged prohibited use of outdoor natural gas lighting by a nonresidential customer who has not received notification pursuant to WAC 480-90-266, it shall institute an investigation and if it is found that there is a prohibited use, the utility shall immediately start notification procedures pursuant to WAC 480-90-266.

#### NEW SECTION

**WAC 480-90-286 FAILURE OF UTILITY TO COMPLY.** The failure of a utility to comply with these rules will subject that utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

### WSR 79-10-156

#### EMERGENCY RULES

#### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-132, Cause No. U-79-45—Filed October 3, 1979]

In the matter of adopting WAC 480-90-201, 480-90-206, 480-90-216, 480-90-221, 480-90-226, 480-90-231, 480-90-241, 480-90-246, 480-90-251, 480-90-256, 480-90-261, 480-90-266, 480-90-271, 480-90-276, 480-90-281 and 480-90-286 relating to prohibitions and exemptions for outdoor gas lighting.

The Washington Utilities and Transportation Commission finds that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is:

Pursuant to section 402(e) of the Powerplant and Industrial Fuel Use Act of 1978 (Public Law 95-620) the Economic Regulatory Administration, Department of Energy, has delegated by final rule (10 C.F.R., Part 516) to the appropriate state regulatory agency the full responsibility and authority of the Secretary, Department of Energy, with regard to natural gas outdoor lighting. The objective of section 402 of Public Law 95-620 is to eliminate the nonessential use of natural gas for outdoor lighting and to conserve such gas for the benefit of present and future generations. To accomplish this result local gas distribution companies are prohibited from installing new or replacement natural gas outdoor lighting fixtures after November 9, 1978, and will be prohibited from providing natural gas to its nonresidential customers for outdoor lighting after November 9, 1979. However, certain exemptions may be allowed and the authority to establish criteria and procedures for such exemptions has been delegated to the state agency having state rate regulation of local gas distribution companies. In view of the prohibitions to be implemented it is necessary that both the prohibitions and procedures for exemptions set forth in these rules become effective prior to November 9, 1979. WAC 480-90-201, 480-90-206, 480-90-216, 480-90-221, 480-90-226, 480-90-231, 480-90-241, 480-90-246, 480-90-251, 480-90-256, 480-90-261, 480-90-266, 480-90-271,

480-90-276, 480-90-281 and 480-90-286 are, therefore, adopted on an emergency basis to take effect upon filing with the code reviser.

These rules being adopted are promulgated pursuant to RCW 80.01.040(4) and 80.04.160.

This rulemaking proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Economic Policy Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43-21C RCW).

The adoption of WAC 480-90-201, 480-90-206, 480-90-216, 480-90-221, 480-90-226, 480-90-231, 480-90-241, 480-90-246, 480-90-251, 480-90-256, 480-90-261, 480-90-266, 480-90-271, 480-90-276, 480-90-281 and 480-90-286 affect no economic value and have no economic impact except to the extent that a natural gas distributor's demand would decrease, but the effect of that decrease would be minimal.

In reviewing the entire record herein it has been determined that WAC 480-90-201, 480-90-206, 480-90-216, 480-90-221, 480-90-226, 480-90-231, 480-90-241, 480-90-246, 480-90-251, 480-90-256, 480-90-261, 480-90-266, 480-90-271, 480-90-276, 480-90-281 and 480-90-286 be adopted to read as set forth in Appendix A, attached hereto and made a part hereof by reference. WAC 480-90-201 prohibits installing or replacing outdoor lighting fixtures. WAC 480-90-206 establishes exemptions for replacement of certain outdoor natural gas lighting fixtures. WAC 480-90-216 prohibits providing natural gas to nonresident customers for outdoor lighting fixtures. WAC 480-90-221 allows exemption for service of natural gas lighting of historical significance. WAC 480-90-226 allows exemption for service for natural gas memorial lighting. WAC 480-90-231 allows exemption for service for natural gas commercial lighting of historical significance. WAC 480-90-241 allows exemption for service for natural gas lighting for safety of persons and property. WAC 480-90-246 allows exemption for service for natural gas lighting where substantial expense is involved. WAC 480-90-251 allows exemption for service for natural gas lighting where public interest is affected. WAC 480-90-256 allows a stay where exemptions are applied for. WAC 480-90-261 refers to a temporary exemption to allow time to install substitute lighting. WAC 480-90-266 directs the utility to notify nonresidential customers using outdoor gas lighting of the prohibitions and exemptions available. WAC 480-90-271 sets forth the procedure for filing a petition for exemption. WAC 480-90-276 sets forth action by a utility if nonresidential customers fail to comply with the prohibitions. WAC 480-90-281 sets forth the procedure for unknown prohibited use. WAC 480-90-286 sets forth the penalty if a utility fails to comply with these rules.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-90-201, 480-90-206, 480-90-216, 480-90-221, 480-90-226, 480-90-231, 480-90-241, 480-90-246, 480-90-251, 480-90-256, 480-90-261, 480-90-266, 480-

90-271, 480-90-276, 480-90-281 and 480-90-286 be adopted, as set forth in Appendix A, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order, the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

IT IS FURTHER ORDERED That there shall be forwarded to the secretary of the senate and the chief clerks of the house of representatives three copies each of the statement required by RCW 34.04.045.

DATED at Olympia, Washington, this 3rd day of October, 1979.

Washington Utilities and Transportation Commission  
Frank W. Foley  
Commissioner

A. J. Benedetti  
Commissioner

#### NEW SECTION

WAC 480-90-201 PROHIBITED FIXTURES. A utility is prohibited from installing or replacing a natural gas outdoor lighting fixture for any customer after November 9, 1978, unless such fixture(s) was installed prior to November 9, 1978, and an exemption has been granted pursuant to WAC 480-90-221, 480-90-226, or 480-90-231.

#### NEW SECTION

WAC 480-90-206 EXEMPTIONS FIXTURES. Any federal, state, local government agency, historical association or any interested person using natural gas for outdoor commercial lighting of historical significance may petition the Washington utilities and transportation commission for an exemption from the prohibition set forth in WAC 480-90-201 but only as to exemptions covered by WAC 480-90-221, 480-90-226, and 480-90-231. An exemption shall only be granted for replacement of a natural gas outdoor lighting fixture(s) that was installed prior to November 9, 1978, and where a petition is filed for exemption pursuant to WAC 480-90-221 or 480-90-231. Such replacement shall include:

(1) Replacement of an extant original or reproduction fixture; or

(2) Installation of an original or reproduction fixture to replace a fixture which existed during the life of the specified historic property.

Where an exemption is requested pursuant to WAC 480-90-226, then such replacement shall include replacement of an extant fixture only.

#### NEW SECTION

WAC 480-90-216 PROHIBITED SERVICE. A utility is prohibited from providing natural gas to a non-residential customer when the end use of all or part of that service is to provide natural gas for outdoor gas



lighting unless an exemption has been granted to such customer by the commission.

#### NEW SECTION

**WAC 480-90-221 EXEMPTIONS—PROHIBITED SERVICE—LIGHTING OF HISTORICAL SIGNIFICANCE.** A federal, state, or local government agency, or an appropriate historical association may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 for any property on the basis that the outdoor lighting is of historical significance or of a traditional nature and conforms with the cultural or architectural style of the area. Petitioner shall certify that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified property or district and an exemption will be granted upon a finding that the specifically identified property or district:

(1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior pursuant to the National Historic Preservation Act (16 U.S.C. § 470 as amended) applicable regulations (36 C.F.R., Parts 60 and 63), and Executive Order No. 11593; or

(2) Is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. § 191, § 280B) and applicable regulations; or

(3) Is recognized by the local governing body as being of a traditional nature and having cultural or architectural significance.

#### NEW SECTION

**WAC 480-90-226 EXEMPTIONS—PROHIBITED SERVICE—MEMORIAL LIGHTING.** A federal, state, or local government agency, or an appropriate historical association may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of memorial lighting. Petitioner shall certify that the specifically identified outdoor lighting fixture(s) directly contributes to preserving the memory of a deceased person or persons and an exemption shall be granted upon such a finding by the commission.

#### NEW SECTION

**WAC 480-90-231 EXEMPTIONS—PROHIBITED SERVICE—COMMERCIAL LIGHTING OF HISTORICAL SIGNIFICANCE.** Any interested person using natural gas outdoor lighting for commercial purposes may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis that the outdoor lighting is of historical significance or is of a traditional nature and conforms with the cultural or architectural style of the area. Petitioner shall certify that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the

quality of significance of the specifically identified property or district and an exemption will be granted upon a finding that the specifically identified property or district:

(1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior, pursuant to the National Historic Preservation Act (16 U.S.C. § 470 as amended), applicable regulations (36 C.F.R., Parts 60 and 63), and Executive Order No. 11593; or

(2) Is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. § 191, § 280B), and applicable regulations; or

(3) Is recognized by the local governing body as being of a traditional nature and having cultural or architectural significance.

**Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

**WAC 480-90-241 EXEMPTIONS—PROHIBITED SERVICE—SAFETY OF PERSONS AND PROPERTY.** A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of the necessity to protect the safety of persons and property if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that:

(1)(a) Compliance with the prohibition would significantly increase the chance of bodily injury or damage to property; or

(b) Compliance with the prohibition would significantly increase the chance of the occurrence of crime; or

(c) The lighting is necessary because other existing lighting does not provide lighting adequate to ensure conformance with American National Standards Institute (ANSI) Standard No. D 12.1. "The American National Standard Practice or Roadway Lighting;" and

(2)(a) Would impose a substantial hardship on a person other than a local distribution company, a pipeline company, or a company that manufactures or supplies natural gas outdoor lighting fixtures, in terms of personal income or savings; or

(b) Would not be justified by the savings likely to be accrued over the useful life of the substitute lighting facility.

#### NEW SECTION

**WAC 480-90-246 EXEMPTIONS—PROHIBITED SERVICE—SUBSTANTIAL EXPENSE.** A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of substantial expense which would not be cost justified, if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that compliance with the



prohibition set forth in WAC 480-90-216 would substantially and negatively affect the profit margin, return on investment, or rates of a local distribution company and an exemption shall be granted upon a finding to this effect.

#### NEW SECTION

WAC 480-90-251 EXEMPTIONS—PROHIBITED SERVICE—PUBLIC INTEREST. A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of the public interest and consistency with the purposes of the Power Plant and Industrial Fuel Use Act of 1978, if such natural gas was being supplied on November 9, 1978. Petitioner shall certify that converting a specific natural gas outdoor lighting fixture(s) to substitute lighting would not reduce the use of natural gas and upon a finding to this effect an exemption shall be granted.

#### NEW SECTION

WAC 480-90-256 EXEMPTIONS—STAYS. The filing of a petition for exemption shall result in a stay from the prohibition set forth in WAC 480-90-216.

#### NEW SECTION

WAC 480-90-261 TEMPORARY EXEMPTION—TIME TO INSTALL SUBSTITUTE LIGHTING. A local distribution company or an interested person using natural gas outdoor lighting may petition the commission for a temporary exemption from the prohibition set forth in WAC 480-90-216. Petitioner shall certify that:

(1) No adequate outdoor lighting (other than that using natural gas) is available at the time the applicable prohibition became effective; and

(2) The time required for installation of the substitute lighting will not extend beyond one year from the date the applicable prohibition became effective, unless facts and circumstances warrant a longer period.

Upon a finding to that effect, a temporary exemption will be granted.

#### NEW SECTION

WAC 480-90-266 UTILITY TO NOTIFY CUSTOMER. The utility shall immediately notify in writing each nonresidential customer known to the utility who uses natural gas for outdoor gas lighting and inform that customer of the prohibition in WAC 480-90-201 and 480-90-216. The utility shall also inform the customer of the exemptions available as well as the criteria for each exemption and the procedures for filing an exemption pursuant to WAC 480-90-271. Within fifteen days of mailing the notification to the customers, the utility shall submit the names of these customers to the commission as well as the addresses and dates of mailing.

#### NEW SECTION

WAC 480-90-271 PETITIONS FOR EXEMPTION. The nonresidential customer may file a petition

with the commission certifying to the criteria set forth in the appropriate exemption within forty-five days of receipt of notification by the utility. The commission upon receipt of such petition shall forward a copy to the utility serving that customer. Should additional information be required of either the customer or the utility, those parties shall be notified by the commission. The commission shall then grant or deny the petition for exemption and shall inform the customer and utility of its decision.

#### NEW SECTION

WAC 480-90-276 ACTION FOR FAILURE TO COMPLY. If the commission denies a petition for exemption, the utility shall allow a reasonable time for the nonresidential customer to discontinue the use of natural gas outdoor lighting, arrange for substitute lighting, or file a petition pursuant to WAC 480-90-261. In the event that the customer takes no such action within a reasonable time, the service will be deemed prohibited and the utility shall take appropriate procedures to discontinue service as authorized under WAC 480-90-071.

If the customer fails to petition for exemption and fails to discontinue the use of natural gas for outdoor lighting, the service will be assumed prohibited and the utility shall take appropriate procedures to discontinue service as authorized under WAC 480-90-071.

#### NEW SECTION

WAC 480-90-281 PROCEDURE FOR UNKNOWN PROHIBITED USE. In the event a utility is notified or becomes aware of an alleged prohibited use of outdoor natural gas lighting by a nonresidential customer who has not received notification pursuant to WAC 480-90-266, it shall institute an investigation and if it is found that there is a prohibited use, the utility shall immediately start notification procedures pursuant to WAC 480-90-266.

#### NEW SECTION

WAC 480-90-286 FAILURE OF UTILITY TO COMPLY. The failure of a utility to comply with these rules will subject that utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

WSR 79-10-157  
PROPOSED RULES  
SKAGIT VALLEY COLLEGE  
[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Skagit Valley College, Community College District No. 4, intends to adopt, amend, or repeal rules concerning the amending of chapter 132D-14 WAC, Rules of conduct and enforcement procedures and chapter 132D-16 WAC, Parking and traffic regulations;

and that the adoption, amendment, or repeal of such rules will take place at 7:15 p.m., Tuesday, November

13, 1979, in the Faculty-Staff Lounge, Campus Center Building, Skagit Valley College, 2405 College Way, Mount Vernon, WA.

The authority under which these rules are proposed is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to November 13, 1979, and/or orally at 7:15 p.m., Tuesday, November 13, 1979, Faculty-Staff Lounge, Campus Center Building, Skagit Valley College, 2405 College Way, Mount Vernon, WA.

Dated: October 2, 1979

By: Stuart C. Allen  
Assistant Attorney General

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-020 DEFINITIONS. As used in this chapter 132D-14 WAC, the following words and phrases shall mean:

(1) "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar acts of academic dishonesty.

(2) "Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(16) as now law or hereafter amended.

(3) "Assembly" shall mean any overt activity engaged in by two 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.

(4) "ASSVC" shall mean the Associated Students of Skagit Valley College as defined in the constitution of that body.

(5) "Board" shall mean the Board of Trustees of Community College District No. 4, state of Washington.

(6) ~~("BOC" shall mean the Board of Control as defined in the constitution of the ASSVC.~~

(7) "Chief administrative officer" shall mean the President of Skagit Valley College and President of Community College District No. 4.

~~((#))~~ (7) "College" shall mean Skagit Valley College and any other community college centers or facilities established within Community College District No. 4.

~~((#))~~ (8) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto district-wide.

~~((#))~~ (9) "Demonstrations" shall mean any overt activity engaged in by one 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.

~~((#))~~ (10) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student by the chief administrative officer pursuant to WAC 132D-14-290 for the violation of any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

~~((#))~~ (11) "Drugs and narcotics" shall mean and include any narcotic as defined in RCW 69.33.220(14) as now law or hereafter amended and shall include any dangerous drug as defined in RCW 69.40.060 as now law or hereafter amended.

~~((#))~~ (12) "Faculty members" shall mean any employee of Community College District No. 4 who received a probationary faculty appointment or faculty appointment under the terms of community college tenure law, section 33, chapter 283, Laws of 1969 ex. sess., as now law or hereafter amended.

~~((#))~~ (13) "Judiciary committee" shall mean the committee of that name which is part of the All-College Committee structure at Skagit Valley College.

~~((#))~~ (14) "Rules of conduct" shall mean those rules contained within chapter 132D-14 WAC as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

~~((#))~~ (15) "Student" shall mean and include any person who is regularly enrolled at the college.

~~((#))~~ (16) "College disciplinary court" shall mean the judicial body provided in WAC 132D-14-230.

~~((#))~~ (17) "Trespass" shall mean the definition of trespass as contained within chapter 7, Laws of 1969 as now law or hereafter amended.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-080 CLASSROOM CONDUCT. (1) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(2) The instructor of each course offered by the college shall be authorized to take such summary steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided, a student shall have the right to appeal such summary disciplinary action to the ~~((dean of students))~~ assistant to the president for student affairs. The ~~((dean of students))~~ assistant to the president for student affairs shall administer such appeals in accordance with the provisions in WAC 132D-14-210.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-100 CRIMINAL VIOLATIONS. (1) Any student engaged in college related activities who shall commit larceny of the property of another, as defined in RCW 9.54.010, shall be subject to disciplinary action.

(2) No faculty, staff or other employee or student shall have on his person, in his vehicle, or otherwise in his possession, any gun, pistol, or firearm, or explosives or other dangerous weapons or instruments on college property or at college activities.

(3) Any student who shall assault another in the manner prohibited by RCW 9.11.010, 9.11.020 or 9.11.030, shall be subject to disciplinary action.

~~((#))~~ (4) Any student engaged in college related activities who engages in acts of forgery as defined in RCW 9.44.010, shall be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-110 DISTRIBUTION OF PRINTED AND OTHER MATERIALS. (1) Handbills, leaflets, newspapers and similar related matter may be sold or distributed free of charge by any student or students or by members of recognized student organizations or by college employees on or in college facilities at locations specifically designated by the ~~((director of student activities))~~ office of student affairs; provided such distribution or sale does not interfere with the ingress and egress of persons, or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the ~~((director of student activities))~~ office of student affairs prior to the distribution of any handbill, leaflet, newspaper or related matter. Nonstudents shall not sell handbills, leaflets, newspapers or related matter on or in the college facilities.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-150 SPEAKERS ON CAMPUS. (1) A speaker or performer may appear on campus on the basis of an approved invitation extended by a duly recognized student, student-faculty or faculty organization subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on the campus does not represent an endorsement, either implicit or explicit, of his views by the college, its students, its faculty, its administration or its board.

(3) In addition to the college scheduling regulations that govern all events at the college, individuals or organizations desiring to present noncollege speakers must obtain scheduling approval before an invitation is extended.

(4) The scheduling of facilities for hearing invited speakers shall be made through the office of ~~((the Dean of Students (Associate Dean of Continuing Education for events held in the evening)))~~ student affairs with appropriate approvals through the college scheduling of events procedure by the recognized inviting campus individual or organization.

- (5) The appearance of a speaker or performer on campus shall be scheduled in accordance with college scheduling regulations.
- (6) Violation of this section shall be cause for disciplinary action.

AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-200 SUMMARY SUSPENSION. (1) If the chief administrative officer, or in his absence his designee, has cause to believe that any student has violated any law of the state of Washington or the United States, or any of the rules of conduct contained in chapter 132D-14 WAC, and the chief administrative officer or his designee also has further cause to believe that the student's violation involves:

(a) Participation in mass protest or demonstration violative of WAC 132D-14-070 or 132D-14-140, and that immediate disciplinary action is necessary to restore order on the campus owned and/or operated by the college; or

(b) Violation of any other rule of conduct and there appears also to be a significant probability that said violation or violations will continue to the great injury of the college, so as to render the disciplinary proceeding process contained in chapter 132D-14 WAC ineffectual:

Then the chief administrative officer or his designee shall, pursuant to the following rules, have authority to suspend said student for the maximum of ten days prior to any subsequent disciplinary proceedings initiated according to WAC 132D-14-210.

(2) If the chief administrative officer or his designee exercises the authority conferred by subparagraph (1) above against any student, he shall:

(a) Direct the ((~~dean of students~~)) assistant to the president for student affairs to cause notice hereof to be served upon said student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon said student; and

(b) The notice shall be entitled "Notice of Summary Suspension Proceeding" and shall state:

(i) The charges against the student, including reference to the law and/or rules of conduct involved; and

(ii) That the student charged must appear before the ((~~dean of students or the dean's designee~~)) assistant to the president for student affairs at a time to be set by the ((~~dean~~)) assistant to the president for student affairs, but not later than twenty-four hours from the date and time of receipt of the "Notice of Summary Suspension Proceeding."

(3) At the summary suspension hearing:

(a) The college, through the office of ((~~the dean of students, or the dean's designee~~)) student affairs, shall make a determination as to whether there is probable cause to believe that the violation stated in the notice of summary suspension proceedings to the student did occur, and whether there is cause to believe that immediate suspension is necessary; and

(b) The student may offer oral testimony of himself or of any person, submit any statement or affidavit on his own behalf, examine any affidavit, cross-examine any witness who may appear against him and submit any matter in extenuation or mitigation of the offense or offenses charged; and

(c) The ((~~dean of students~~)) assistant to the president for student affairs shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of law or of the rules of conduct has occurred, and whether there is cause to believe that immediate suspension is necessary; and

(d) In the course of making such a decision, the ((~~dean of students~~)) assistant to the president for student affairs may only consider the sworn affidavit or oral testimony of persons who have alleged that the student charged has committed a violation of law or of the rules of conduct and the oral testimony and affidavits submitted by the student charged.

(4) If the ((~~dean of students~~)) assistant to the president for student affairs, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student, against whom specific violations of law or of rules of conduct are alleged, has committed one or more such violations upon any college facility; and

(b) That summary suspension of said student is necessary to attain peace and order on the campus; and

(c) Such violation or violations of the law or of the rules of conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132D-14-290; or

(d) If the student to whom the "Notice of Summary Suspension Proceeding" has been served pursuant to subparagraph (2) above and

said student fails to appear at the time and place designated for the summary suspension hearing,

Then the ((~~dean of students~~)) assistant to the president for student affairs may, with the written approval of the chief administrative officer, suspend such student from the college for a maximum of ten days.

(5) If a student is suspended for ten days pursuant to the above rules:

(a) The student will be provided with a written copy of the ((~~dean of students~~)) assistant to the president for student affairs' findings of fact and conclusions, as expressly concurred in by the chief administrative officer; and

(b) The student shall be served a copy of the notice of suspension by personal service or by registered mail, notice by mail to be sent to the student's last known address; and

(c) The suspension shall be effective for a ten day period dating from the day the notice of suspension is mailed or personal service accomplished.

(6) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same pursuant to the appeal procedure contained in WAC 132D-14-220.

AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-210 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the ((~~dean of students~~)) assistant to the president for student affairs or his designated representative.

(2) Any student accused of violating any provision of the rules of conduct, except the special provisions set forth in WAC 132D-14-080(3), will be called for an initial conference with the ((~~dean of students~~)) assistant to the president for student affairs or his designated representative, and will be informed of what provision or provisions of the rules of conduct he is charged with violating, and what appears to be the maximum penalties, if any, which might result from initiation of a disciplinary proceeding.

(3) After considering the evidence in the case and interviewing the student or students accused of violating the rules of conduct, the ((~~dean of students~~)) assistant to the president for student affairs, or his designated representative, may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning, reprimand) subject to the student's right of appeal as provided in WAC 132D-14-220.

(d) If major sanctions are deemed necessary, the ((~~dean of students~~)) assistant to the president for student affairs may recommend that the chief administrative officer impose disciplinary action pursuant to WAC 132D-14-240.

AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-220 APPEAL OF DISCIPLINARY ACTION TAKEN BY THE ((~~DEAN OF STUDENTS~~)) ASSISTANT TO THE PRESIDENT FOR STUDENT AFFAIRS. Any disciplinary action taken by the ((~~dean of students~~)) assistant to the president for student affairs or his designated representative in accordance with WAC 132D-14-210(c) may be appealed to the student court. All appeals by a student must be made in writing to the college disciplinary court and presented to the chief justice of the college disciplinary court within seven days after the student has been notified of the action taken by the ((~~dean of students~~)) assistant to the president for student affairs or his designated representative.

AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-230 COMPOSITION AND STRUCTURE OF THE COLLEGE DISCIPLINARY COURT. (1) The college disciplinary court shall be composed of a chief justice, associate chief justice and seven associate justices selected as follows:

(a) The chief justice shall be a student in good academic standing at the college, and he shall be appointed by the ASSVC president ((with the advice and consent of the BOE)) for a one year term; and

(b) The associate chief justice shall be a faculty member or administrator appointed by the chief administrative officer of the college for a three year term; and

(c) The associate justices shall be selected as follows:

(i) Four associate justices shall be students in good academic standing appointed by the ASSVC president (~~(with the advice and consent of the BOC)~~) for one year terms; and

(ii) Two associate justices shall be faculty members (~~(elected)~~) selected by the faculty (~~(senate)~~) for two year terms; and

(iii) One associate justice shall be an administrator appointed by the chief administrative officer of the college for a two year term; and

(iv) Members of the college disciplinary court shall be chosen by no later than October 15 of each academic year.

(d) A chief justice, associate chief justice, and associate justices shall serve during their term of office as set forth above and until their successors are appointed or elected.

(2) If any member of the college disciplinary court is unable to consider a particular disciplinary proceeding for any reason, including but not limited to conflict of interest, matters of conscience or related reasons, such members shall abstain from considering the issues. If the chief justice and associate chief justice abstain pursuant to the above procedure, the members of the college disciplinary court shall elect a temporary chief justice who will preside over the court.

(3) The chief justice, or in his absence the associate chief justice except under circumstances described in subparagraph (2) above, shall preside over all court proceedings in cases relating to student violation of the rules of conduct established by chapter 132D-14 WAC. The presiding officer of the college disciplinary court shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.

(4) A quorum for all proceedings of the college disciplinary court shall consist of the chief justice, or in his absence the associate chief justice, and at least four associate justices; provided, in the event that the chief justice and associate chief justice have been replaced in accordance with subparagraph (2) above, the college disciplinary court shall meet to elect a temporary chief justice.

(5) A recorder shall be appointed by the chief administrative officer to be present at all proceedings of the college disciplinary court involving hearings relating to violations of the rules of conduct, and the recorder shall record, transcribe and maintain reasonable written records of all such proceedings.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-240 PROCEDURES FOR HEARING BEFORE THE COLLEGE DISCIPLINARY COURT. (1) The college disciplinary court shall conduct a hearing within ten days after disciplinary action has been referred to the court and shall give the student charged with a violation of the rules of conduct a minimum of seven days notice as specified in subparagraph (3) below.

(2) The college disciplinary court will hear, de novo, and make recommendations to the chief administrative officer of the college on all disciplinary cases referred to it by the (~~(the dean of students)~~) assistant to the president for student affairs or by appeal as specified in WAC 132D-14-220.

(3) The student has a right to a fair and impartial hearing before the college disciplinary court on any charge of violating the rules of conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the college disciplinary court from making its findings of fact, conclusions and recommendations as provided herein.

(4) The student shall be given written notice of the time and place of the hearing before the college disciplinary court by personal service or registered mail and be afforded not less than seven days notice thereof. Said notice shall contain:

(a) A statement of time, place and nature of the disciplinary proceeding; and

(b) A statement of the charges against him including reference to the particular sections of the rules of conduct involved.

(5) The student shall be entitled to hear and examine the evidence against him and be informed of the identity of its source. He shall be entitled to present evidence in his own behalf and cross examine witnesses testifying against him as to factual matters.

(6) If the student elects to choose a duly licensed attorney admitted to practice in any state of the United States as his counsel, he must tender three days notice thereof to the (~~(the dean of students)~~) assistant to the president for student affairs.

(7) In all disciplinary proceedings, the college may be represented by a designee appointed by the (~~(the dean of students)~~) assistant to the

president for student affairs; said designee may then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the (~~(the dean of students)~~) assistant to the president for student affairs may elect to have the college represented by an assistant attorney general.

(8) A reasonable written record of all the evidence and facts presented to the college disciplinary court during the course of the proceedings will be taken. A copy thereof shall be available at the office of the dean of students assistant to the president for student affairs.

(9) Proceedings of the college disciplinary court shall be presided over by a presiding officer as provided in WAC 132D-14-230.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-280 FINAL DECISION REGARDING DISCIPLINARY ACTION. (1) The chief administrative officer of the college or any representative he may designate except the (~~(the dean of students)~~) assistant to the president for student affairs shall, after reviewing the record of the case, include in the report of the college disciplinary court any statement filed by the student, either his indicated approval of the recommendations of the college disciplinary court or give directions as to what lesser disciplinary action shall be taken.

(2) If the chief administrative officer decides that discipline is to be imposed after the review provided by the above section, the chief administrative officer or his designee shall notify the student in writing of the discipline imposed. In case of an unmarried minor student, written notice of any action involving dismissal or disciplinary action shall be sent also to parent or guardian of the student.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-290 DISCIPLINARY ACTION. The following disciplinary actions are hereby established and shall be the sanctions imposed upon violators of the rules of conduct:

(1) Disciplinary warning: Notice to a student, either verbally or in writing, that he has been in violation of the rules of conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in subparagraphs (3) or (4) below.

(2) Reprimand: Formal action censuring a student for violation of the rules of conduct. Reprimands are always made in writing to the student by the officer or agency taking the action, with copies to the office of (~~(the dean of students)~~) student affairs. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in subparagraphs (3) or (4) below.

(3) Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of the rules of conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of disciplinary probation shall be cause for disciplinary action.

(4) Summary suspension: Formal action suspending a student for violation of the rules of conduct. Summary suspension of a student shall be made only by the chief administrative officer of the college or his designee, pursuant to the rules provided in WAC 132D-14-200, for a maximum of ten academic calendar days prior to any subsequent disciplinary proceeding initiated under the rules of conduct contained in chapter 132D-14 WAC.

(5) Dismissal: Termination of a student status for violation of the rules of conduct. A student may be dismissed only with the approval of the chief administrative officer of the college. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

#### AMENDATORY SECTION (Amending Order 1-70, filed 6/29/70)

WAC 132D-14-330 EFFECTIVE DATE OF THE RULES OF CONDUCT. The rules contained within chapter 132D-14 WAC shall

become effective upon the first day of (~~July, 1970~~) October, 1979, and after the same has been filed with the code reviser.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-020 DEFINITIONS. As used in this chapter, the following words and phrases shall mean:

(1) "Board" shall mean the Board of Trustees of Community College District No. 4, state of Washington.

(2) "Campus" shall mean any or all real property owned, operated or maintained by Community College District No. 4, state of Washington.

(3) (~~"Dean of students"~~) "Assistant to the President for Student Affairs" shall mean the (~~dean of students~~) Assistant to the President for Student Affairs of Skagit Valley College.

(4) "College" shall mean Skagit Valley College and any other community college centers or facilities established within Community College District No. 4.

(5) "Faculty members" shall mean any employee of Community College District No. 4 who is certified to teach in a community college in the state of Washington.

(6) "College disciplinary court" shall mean the court system established by WAC 132D-14-230.

(7) "Security officer" shall mean an employee of the college, legally deputized by the Mount Vernon Police Department, who is responsible to the (~~dean of students~~) Assistant to the President for Student Affairs for campus security.

(8) "Staff" shall mean the classified members employed by the college.

(9) "Student" shall mean any person who is enrolled in the college as a student.

(10) "Vehicle" shall mean an automobile, truck or other such vehicle and two-wheeled vehicles empowered by a motor.

(11) "Visitors" shall mean any person or persons who come upon the campus as guests and any person or persons who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher learning in the state of Washington.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-050 AUTHORIZATION FOR ISSUANCE OF PERMITS. The (~~dean of students~~) Assistant to the President for Student Affairs or his designate, is authorized to issue parking permits to students, faculty members, staff members, guests and visitors of the college pursuant to the following regulations:

(1) Students may be issued a parking permit upon the registration of his vehicle with the college at the beginning of each academic period; provided, said academic period shall not include summer school.

(2) Faculty and staff members may be issued a parking permit upon the registration of their vehicles at the beginning of fall quarter: PROVIDED, That new faculty and staff members employed during the regular academic year may be issued a parking permit upon the registration of their vehicles at the time they begin their employment at the college.

(3) The (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-060 VALID PERMIT. A valid parking permit is:

(1) An unexpired parking permit registered and properly displayed; or

(2) A temporary parking permit authorized by the (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, and properly displayed; or

(3) A special parking permit authorized by the (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, and properly displayed.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-090 PERMIT REVOCATION. Parking permits are the property of the college and may be recalled by the (~~dean of students~~) Assistant to the President for Student Affairs for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists; or

(2) When a permit is used by an unregistered vehicle or by an unauthorized individual; or

(3) Falsification on a parking permit application; or

(4) Continued violations of parking regulations; or

(5) Counterfeiting or altering a parking permit.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-110 RIGHT TO APPEAL PERMIT REVOCATION OR REFUSAL TO GRANT PERMIT. When a parking permit has been recalled pursuant to WAC 132D-16-090 or has been refused in accordance with WAC 132D-16-100, such action by the (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, may be appealed pursuant to WAC 132D-14-220.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-130 DESIGNATION OF PARKING SPACE. The parking space available on campus shall be designated and allocated by the (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, in such a manner as will best effectuate the objectives of the rules and regulations in this chapter.

(1) Faculty and staff spaces will be so designated for their use; and

(2) Student spaces will be so designated for their use; provided, physically handicapped students may be granted special permits to park in close proximity to the classrooms used by such students; and

(3) Parking spaces will be designated for use of visitors on campus.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-170 REGULATORY SIGNS AND DIRECTIONS. The (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the college. Such signs, barricades, structures, markings and directions shall be so made and placed as in the opinion of the (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, will best effectuate the objectives stated in WAC 132D-16-010 and will best effectuate the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus security officer in the control and regulations of traffic.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-200 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional and/or heavy traffic and during emergencies the (~~dean of students~~) Assistant to the President for Student Affairs, or his designate, is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132D-16-010.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-210 TWO WHEELED MOTOR BIKES OR BICYCLES. (1) All two-wheeled vehicles empowered by a motor or foot shall park in a space designated by the security officer.

(2) No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the (~~dean of students~~) Assistant to the President for Student Affairs or his designate.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-220 REPORT OF ACCIDENTS. The operator of any vehicle involved in an accident on campus resulting in the injury to or death of any person or total or claimed damage to either or both vehicles of any amount, shall within twenty-four hours after such accident make a written report thereof to the (~~dean of students~~) Assistant to the President for Student Affairs on forms to be furnished by said (~~dean of students~~) Assistant to the President for Student Affairs. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington Motor Vehicle Accident Report.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-240 ENFORCEMENT. (1) Enforcement of the parking rules and regulations will begin the first week of full classes of the fall quarter and will continue until the end of spring quarter. These rules and regulations will not be enforced during summer quarter, Saturdays, Sundays and official college holidays.

(2) The ~~((dean of students))~~ Assistant to the President for Student Affairs, or his designate, shall be responsible for the enforcement of the rules and regulations contained in this chapter. Pursuant to the provisions of WAC 132D-16-290, the ~~((dean of students))~~ Assistant to the President for Student Affairs is authorized to delegate this responsibility to the campus security officer or other subordinates.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-250 ISSUANCE OF TRAFFIC TICKETS. Upon the violations of any of the rules and regulations contained in this chapter the ~~((dean of students))~~ Assistant to the President for Student Affairs, his designate or subordinates may issue a summons or traffic ticket setting forth the date, the approximate time, permit number, license number, name of permit holder, infraction, officer and schedule of fines. Such summons or traffic tickets may be served by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, or by placing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-260 FINES AND PENALTIES. The ~~((dean of students))~~ Assistant to the President for Student Affairs, or his designate, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) ~~((Except as provided under subsection (2) fines will be imposed as follows:))~~ A fine of ~~\$(+00))~~\$5.00 will be levied for all violations of the regulations contained in this chapter: PROVIDED, That if the fine is paid within twenty-four hours of the issuance of the ticket, the fine will be reduced to ~~((-.25 cents, provided further, fines not paid during the first week after the violation shall be payable as follows:~~

(a) ~~Fines paid one but not more than two weeks after the issuance of the ticket will be levied at \$2.00.~~

(b) ~~Fines paid more than two weeks after the issuance of the ticket will be levied at \$4.00))~~ \$1.00.

(2) ~~((Vehicles parked in a manner to obstruct traffic including access to and from parking spaces and areas will be subject to a fine of \$1-00 and may be impounded and taken to such place for storage as the dean of students, or his designate, selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.))~~ The college reserves the right to impound any illegally parked vehicle at either the owner's or driver's expense. The college assumes no responsibility in the event of damage resulting from impounding or storage of any illegally parked vehicle.

(3) An accumulation of traffic violations by a student will be cause for disciplinary action, and the ~~((dean of students))~~ Assistant to the President for Student Affairs shall initiate disciplinary proceedings against such student pursuant to WAC 132D-14-210.

(4) Vehicles involved in more than two violations of these regulations within a twelve month period may be impounded as provided for in subsection (2) herein.

(5) Fines will be paid in the front office at the registration desk.

(6) Unpaid fines will be referred to the business office for collection, fines may be deducted from wages owing to employees or other funds held by the college. Where collection efforts are unsuccessful, transcripts, quarterly grade reports, or permission to re-register may be withheld.

(7) It is a misdemeanor to park in a parking place reserved for the physically disabled without displaying the special card, license plate or decal issued by the department of licensing.

AMENDATORY SECTION (Amending Order 2-70, filed 6/29/70)

WAC 132D-16-290 DELEGATION OF AUTHORITY. The authority and powers conferred upon the ~~((dean of students))~~ Assistant to the President for Student Affairs by these regulations shall be subject to delegation by him to his subordinates.

**WSR 79-10-158**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
 [Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning annuities and retirement income plans for community college faculty and exempt administrative personnel, amending WAC 131-16-011, 131-16-040 and 131-16-061 and adding new section WAC 131-16-067;

that such agency will at 8:30 a.m., Wednesday, November 28, 1979, in the Everett Community College, 801 Wetmore, Everett, WA 98201 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Wednesday, November 28, 1979, in the Everett Community College, 801 Wetmore, Everett, WA 98201.

The authority under which these rules are proposed is RCW 28B.10.400.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 28, 1979, and/or orally at 8:30 a.m., Wednesday, November 28, 1979, Everett Community College, 801 Wetmore, Everett, WA 98201.

Dated: October 3, 1979

By: Gilbert J. Carbone  
 Assistant Director

AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

WAC 131-16-011 DEFINITIONS. For the purpose of WAC 131-16-005 through WAC 131-16-069, the following definitions shall apply:

(1) "Participant" shall be defined as any individual who is eligible to purchase retirement annuities through the TIAA/CREF Plan and whose basic contribution to such plan is matched by the employing college district or the State Board for Community College Education pursuant to the provisions of WAC 131-16-050.

(2) "Supplemental retirement benefit" shall be defined as payments, as calculated in accordance with WAC 131-16-061, made by the community college district or the state board to an eligible retired participant or surviving spouse whose retirement benefits provided by the TIAA/CREF Plan do not attain the level of the retirement benefit goal established by WAC 131-16-015.

(3) "Year of full-time service" shall be defined as employment in an eligible position for a period of not less than five months in any fiscal year during which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution; provided that not more than one year of full-time service will be credited for service in any one fiscal year.

(4) "Fiscal year" shall be defined as the period beginning on July 1 of any calendar year and ending on June 30 of the succeeding calendar year.

(5) "Average annual salary" shall be defined as the amount derived when the salary received during any two consecutive academic years of full-time service for which TIAA/CREF contributions were made by both the participant and a Washington public higher education institution is divided by two.

(6) "Academic year" shall be defined as the period beginning on September 1 of any calendar year and ending on August 31 of the next calendar year.

(7) "TIAA/CREF retirement benefit" shall be defined as the amount of annual retirement income derived from a participant's accumulated annuities including dividends at the time of retirement;



provided that, solely for the purpose of calculating a potential Supplemental Retirement Benefit, such amount shall be adjusted to meet the assumptions set forth in WAC 131-16-061, subsection (2).

(8) "Salary" shall be defined as all remuneration received by the participant from the employing community college district or the state board including summer quarter compensation, extra duty pay, leave stipends, and grants made by or through the college district or state board.

(9) "Designated beneficiary" shall be defined as the surviving spouse of the retiree or, with the consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education.

#### AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

**WAC 131-16-040 SPECIAL RETIREMENT PROVISIONS FOR TIAA/CREF PARTICIPANTS.** (1) The normal retirement age shall be defined as the end of the academic year in which the participant attains age sixty-five; provided that any participant may elect to retire at the earliest age specified for retirement by federal social security law.

(2) There shall be no prior service benefits associated with participation in the TIAA/CREF Plan.

(3) The board of trustees of any college district may approve the retirement of any employee under the age of ~~(sixty-five)~~ seventy for reasons of health or permanent disability either upon the request of the individual employee or the district president; provided that the board of trustees shall first give reasonable consideration to the written recommendations regarding such requested retirement from the employee's personal physician and, if requested by either the employee or the district president, a review of such recommendations by another physician appointed by the board of trustees.

#### AMENDATORY SECTION (Amending Order 28, filed 7/1/74)

**WAC 131-16-061 SUPPLEMENTAL RETIREMENT BENEFITS.** (1) A participant is eligible to receive supplemental retirement benefit payments if at the time of retirement the participant is age sixty-two or over and has participated in the TIAA/CREF plan at a Washington public institution of higher education for at least ten years; provided that the amount of the supplemental retirement benefit, as calculated in accordance with the provisions of this section, is a positive amount.

(2) Subject to the provisions of subdivisions (c), (d), and (e) of this subsection, the annual amount of supplemental retirement benefit payable to a participant upon retirement is the excess, if any, when the value determined in subdivision (b) is subtracted from the value determined in subdivision (a), as follows:

(a) The lesser of fifty percent of the participant's average annual salary or two percent of the average annual salary multiplied by the number of years of full-time service; provided that if the participant did not elect to contribute ten percent of salary beginning July 1, 1974, or if later, after the first day of the calendar year following attainment of age fifty, service for such periods shall be calculated at the rate of one and one-half percent instead of two percent.

(b) The TIAA/CREF retirement benefit the participant would receive in the first month of retirement multiplied by twelve; provided that such benefit shall be calculated on the following assumptions:

(i) After July 1, 1974, fifty percent of the combined contributions were made to TIAA and fifty percent to CREF during each year of full-time service; provided that benefit calculations related to contributions made prior to July 1, 1974, shall be computed on the basis of actual allocations between TIAA and CREF; and

(ii) The full TIAA/CREF annuity accumulations, including all dividends payable by TIAA and further including the amounts, if any, paid in a single sum under the retirement transition benefit option, were fully settled on a joint and two-thirds survivorship option with a ten-year guarantee, using actual ages of retiree and spouse, but not exceeding a five-year difference; except that for unmarried participants the TIAA accumulations, including dividends, were settled on an installment refund option and the CREF accumulations were settled on a life annuity with ten-year guarantee option, all to be based on TIAA/CREF estimates at the time of retirement; and

(iii) Annuity benefits purchased by premiums paid other than as a participant in a Washington public institution of higher education TIAA/CREF retirement plan shall be excluded.

(c) The amount of supplemental retirement benefit for a participant who has not attained age sixty-five at retirement is the amount calculated in subsection (2) of this section reduced by one-half of one percent for each calendar month remaining until age sixty-five; provided that the supplemental retirement benefit for a participant retired for reason of health or permanent disability shall not be so reduced.

(d) Any portion of participant's TIAA and/or CREF annuity accumulation paid to a participant's spouse upon dissolution of a marriage shall be included in any subsequent calculation of supplemental retirement benefits just as if these funds had remained in the participant's TIAA and/or CREF annuity.

(e) The selection of a TIAA/CREF retirement option other than the joint and two-thirds survivorship with ten-year guarantee shall not alter the method of calculating the supplemental retirement benefit; however, if the participant's combined TIAA/CREF retirement benefit and calculated supplemental retirement benefit exceeds fifty percent of the participant's average annual salary, the supplemental retirement benefit shall be reduced so that the total combined benefits do not exceed fifty percent of average annual salary.

(3) The payment of supplemental retirement benefits shall be consistent with the following provisions:

(a) Supplemental retirement benefits shall be paid in equal monthly installments, except that if such monthly installments should be less than ~~(\$10)~~ ten dollars, such benefit payments may be paid at longer intervals as determined by the employer.

(b) Supplemental retirement benefit payments will continue for the lifetime of the retired participant; however, prior to retirement, a participant may choose to provide for the continuation of supplemental retirement benefit payments, on an actuarially equivalent reduced basis, to his or her spouse or designated beneficiary after the retiree's death. Notification of such choice shall be filed in writing with the appropriate college district or state board officer and shall be irrevocable after retirement. If such option is chosen, the supplemental retirement benefit payments shall be in the same proportion as the TIAA/CREF survivor annuity option elected by the participant.

(c) Prior to making any supplemental benefit payments, the employing college district or state board shall obtain a document signed by the participant and spouse, if any, or designated beneficiary acknowledging the supplemental retirement benefit option chosen by the participant.

(4) A retired participant who is reemployed shall continue to be eligible to receive retirement income benefits, except that the supplemental retirement benefit shall not continue during periods of employment for more than forty percent of full-time or seventy hours per month or five months duration. Retirement contributions shall not be made from the salary for such employment, unless the individual once again becomes eligible to participate under the provisions of WAC 131-16-020.

#### NEW SECTION

**WAC 131-16-067 OPTIONS TO SURVIVING SPOUSES.** (1) A surviving spouse shall have a right to exercise the options normally available to a participant pursuant to WAC 131-16-060, 131-16-061, and 131-16-065.

(2) If a participant dies prior to retirement, but after becoming eligible for retirement, the surviving spouse shall be entitled to receive any supplemental retirement benefit, as calculated pursuant to WAC 131-16-061, that such spouse would have received if the participant had retired prior to death and elected to receive a joint-and-two-thirds survivorship option with a ten-year guarantee.

**WSR 79-10-159**  
**PROPOSED RULES**  
**STATE BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning employee relations and collective bargaining, repealing WAC 131-34-010, 131-34-020,



and 131-34-030; and optional salary increases for certain community college faculty and administrative personnel, repealing WAC 131-16-410;

that such agency will at 8:30 a.m., Wednesday, November 28, 1979, in the Everett Community College, 801 Wetmore Avenue, Everett, WA 98201, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 8:30 a.m., Wednesday, November 28, 1979, in the Everett Community College, 801 Wetmore Avenue, Everett, Washington 98201.

The authority under which these rules are proposed is RCW 28B.50.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 28, 1979, and/or orally at 8:30 a.m., Wednesday, November 28, 1979, Everett Community College, 801 Wetmore Avenue, Everett, WA 98201.

Dated: October 3, 1979  
By: Gilbert J. Carbone  
Assistant Director

#### REPEALER

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

- WAC 131-34-010 FACT FINDING AND MEDIATION BY STATE DIRECTOR
- WAC 131-34-020 PROCEDURES FOR OPERATIONS OF IMPASSE ADVISORY COMMITTEES
- WAC 131-34-030 DECLARATION OF IMPASSE
- WAC 131-16-410 OPTIONAL SALARY INCREASES FOR FACULTY AND EXEMPT PERSONNEL OF CERTAIN COMMUNITY COLLEGES

#### WSR 79-10-160

#### PROPOSED RULES

#### HIGHER EDUCATION PERSONNEL BOARD

[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 251-06-070 Allocation appeal—Higher Education Personnel Board to extend employee appeal rights to cover management-initiated requests for position review and to extend the time period following the Director's review to 21 days with the requirement that the employee notify HEPB of his/her desire to pursue appeal to hearing.
- Amd WAC 251-09-020 Work period designations to accommodate conversion to new October 1, 1979 salary grid by converting Range 45 to equivalent Range 20 on new grid.
- Amd WAC 251-09-090 Special premium pay to clarify board intent regarding use of special premium pay when justified for maintenance of efficient operation of an institution.

Amd WAC 251-18-115 to clarify that appeals against application of certification rules are considered part of entire examination process;

that such agency will at 10:00 a.m., Thursday, November 15, 1979, in the Administration Building, Green River Community College, Auburn, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, November 15, 1979, in the Board Room of the Administration Building, Green River Community College, Auburn.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 15, 1979, and/or orally at 10:00 a.m., Thursday, November 15, 1979, Administration Building, Green River Community College, Auburn, Washington.

Dated: October 3, 1979  
By: Douglas E. Sayan  
Director

#### AMENDATORY SECTION (Amending Order 68, filed 5/25/78)

WAC 251-06-070 ALLOCATION APPEAL—HIGHER EDUCATION PERSONNEL BOARD. (1) The employee or employee representative may file a written appeal with the board under provisions of WAC 251-06-050 or 251-06-060 when:

(a) The response required in WAC 250-06-060(2) is not issued to the employee or employee representative within the required sixty calendar day period following receipt of the employee request; or

(b) The response fails to address the specific reason(s) that the request was not approved; or

(c) The employee disagrees with the results of ~~((the response))~~ a position review conducted by the personnel officer. The written appeal should include information which will assist the board in determining the proper allocation of the position.

(2) Within thirty calendar days ~~((but prior to scheduling))~~ of receipt of the appeal ~~((hearing))~~, the director will investigate the appeal and attempt to resolve the allocation to the satisfaction of all parties. This may be extended by thirty calendar days provided the affected employee is given notice of the extension. ~~((If the allocation remains unresolved and the appeal is not withdrawn within fifteen calendar days following the director's review, the director will schedule an appeal hearing with the board or its designee.))~~ The employee will be notified of the director's recommended allocation and of the right to pursue the case to hearing if desired. If the employee wishes to pursue the case to hearing, he/she must so notify the director within twenty-one calendar days of service of the director's notice.

(3) The burden of proof in an allocation appeal shall rest with the appellant.

(4) Allocation appeal hearings will be informal and will allow sufficient time for the parties to present facts pertinent to the proper allocation of a position. The appellant may represent him/herself or may be represented by any person of his/her choosing at the hearing. In appeals heard by a hearing examiner, the hearing examiner will issue a recommended decision within thirty calendar days of the hearing. The recommended decision will be transmitted to both parties by certified mail with a statement regarding the right to file exceptions to the recommended decision. Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exception to the recommended decision. If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that forty calendar day period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision. When exceptions are filed, such written statements must indicate in detail the specific items of the recommended decision to which exception is taken. Thereafter, a hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument. Within

thirty calendar days of hearing the testimony or arguments upon exceptions, the board will issue a decision which is final and binding.

**AMENDATORY SECTION** (Amending Order 62, filed 8/30/77)

**WAC 251-09-020 WORK PERIOD DESIGNATIONS.** Each position will be assigned by the personnel officer to one of the work period designations identified below, and employees will be informed of their eligibility for overtime compensation.

(1) **SCHEDULED WORK PERIODS**, within which there are two work schedules:

(a) **Regular work schedule.** The regular work schedule for full time classified employees shall consist of five consecutive and uniformly scheduled eight hour days in a seven day period. Uniformly scheduled means a daily repetition of the same working hours and a weekly repetition of the same working days.

(b) **Alternate work schedule.** Operational necessity or employee convenience may require positions that are normally designated regular work schedule to work an alternate forty hour work schedule (other than five uniform and consecutive eight hour days in a seven day period), or as provided by the Washington State Minimum Wage Law in conjunction with the federal law which provides for an eighty hour workweek in a fourteen day period for hospital personnel. Alternate work schedules shall be made available upon request of the director.

(2) **NONSCHEDULED WORK PERIOD.** The nonscheduled work period designation applies to those positions for which the hours cannot be scheduled but which work a forty hour week and do not meet any of the other work period designations. The personnel officer shall designate positions as nonscheduled in accordance with the institution's procedure approved by the director.

(3) **EXCEPTED WORK PERIOD.** The excepted work period designation applies to classes and positions which meet the HEPB definitions of executive, administrative, or professional employees and are assigned to salary ranges ((~~forty-five~~) **twenty**) and above. Qualifying classes will be approved by the director. Each personnel officer will be responsible for determining the positions designated "excepted" at his/her institution. The personnel officer will develop a procedure for verifying "excepted" positions which will be available for review by the director.

**AMENDATORY SECTION** (Amending Order 68, filed 5/25/78)

**WAC 251-09-090 SPECIAL PREMIUM PAY.** Upon request of the institution personnel officer, the board or the director may approve special premium pay required by the employer ((due to)) when unique working ((conditions, as may be requested by the personnel officer of an)) or recruiting and/or retention problems exist or when special use requirements are necessary to maintain efficient operation of the institution. Actions approved by the director are subject to confirmation by the board.

**AMENDATORY SECTION** (Amending Order 65, filed 1/30/78)

**WAC 251-18-115 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL OR REVIEW.** (1) An applicant shall have the right to appeal to the higher education personnel board as provided in subsection (2) ((~~below~~)) when:

- (a) His/her application has been rejected; or
- (b) He/she feels the examination/certification process or ((~~grade~~)) score unfair, in error, or not applied uniformly; or
- (c) His/her name has been removed from an eligible list.

(2) Such appeal must be in writing and be filed in the office of the director within thirty calendar days after the effective date of the action appealed. The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal, as provided in WAC 251-12-080 through 251-12-260; or

(b) The director may investigate the case and based upon that investigation issue a determination.

- (i) When the appellant is a classified employee of the institution, within thirty calendar days of the date of service either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety.

- (ii) When the appellant is not a classified employee of the institution, the director's determination shall be final and binding; or

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

**WSR 79-10-161  
PROPOSED RULES  
BOARD OF HEALTH**  
[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning:

New	WAC 248-19-200	Purpose of chapter 248-19 WAC.
New	WAC 248-19-210	Purpose of certificate of need program.
New	WAC 248-19-220	Definitions.
New	WAC 248-19-230	Applicability of chapter 248-19 WAC.
New	WAC 248-19-240	Applicability determination.
New	WAC 248-19-250	Sanctions for violations.
New	WAC 248-19-260	Periodic reports on development of proposals.
New	WAC 248-19-270	Letter of intent.
New	WAC 248-19-280	Submission and withdrawal of applications.
New	WAC 248-19-290	Concurrent review of selected applications.
New	WAC 248-19-300	Categories of review.
New	WAC 248-19-310	Notification of beginning of review.
New	WAC 248-19-320	Public hearings.
New	WAC 248-19-330	Regular review process.
New	WAC 248-19-340	Expedited review process.
New	WAC 248-19-350	Emergency review process.
New	WAC 248-19-360	Bases for findings and action on applications.
New	WAC 248-19-370	Determination of need.
New	WAC 248-19-380	Determination of financial feasibility.
New	WAC 248-19-390	Determination of quality of care.
New	WAC 248-19-400	Determination of cost containment.
New	WAC 248-19-410	Review and action on health maintenance organization projects.
New	WAC 248-19-420	Written findings and actions on certificate of need application.
New	WAC 248-19-430	Provision for reconsideration decision.
New	WAC 248-19-440	Issuance, suspension, denial, revocation and transfer of a certificate of need.
New	WAC 248-19-450	Circumstances for which an amended certificate of need is required.
New	WAC 248-19-460	Validity and extensions.
New	WAC 248-19-470	Monitoring of approved projects.
New	WAC 248-19-480	Right and notice of appeal.
New	WAC 248-19-490	Certificate of need program reports.
New	WAC 248-19-500	Public access to records.
Rep	WAC 248-19-010	through 248-19-100 Related to certificate of need—Hospitals and nursing homes;

that such agency will at 9:00 a.m., Wednesday, November 14, 1979, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, November 14, 1979, in the South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

The authority under which these rules are proposed is section 11, chapter 161, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this

agency prior to November 14, 1979, and/or orally at 9:00 a.m., Wednesday, November 14, 1979, South Auditorium, Federal Building, 915 Second Avenue, Seattle, WA.

Dated: October 3, 1979

By: John A. Beare MD  
Secretary

#### NEW SECTION

**WAC 248-19-200 PURPOSE OF CHAPTER 248-19 WAC.** The following regulations are adopted pursuant to chapter 161, Laws of 1979 1st extraordinary session (46th Legislative Session), the State Health Planning and Resources Development Act, for the purpose of establishing a certificate of need program which is consistent with the provisions of Public Law 93-641, the National Health Planning and Development Act of 1974 and the provisions of the State Health Planning and Resources Development Act.

#### NEW SECTION

**WAC 248-19-210 PURPOSE OF CERTIFICATE OF NEED PROGRAM.** The purpose of the certificate of need program is to ensure the development and offering of new institutional health services are consistent with the public policy of the state of Washington, set forth in section 1, chapter 161, Laws of 1979 1st extraordinary session (46th Legislative Session):

"(1) That planning for promoting, maintaining, and assuring a high level of health for all citizens of the state, and for the provision of health services, health manpower, health facilities, and other resources is essential to the health, safety, and welfare of the people of the state. Such planning is necessary on both a state-wide and regional basis and must maintain responsiveness to changing health and social needs and conditions. The marshaling of all health resources to assure the quality and availability of health services to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination, and economy in development and implementation to reach that goal;

(2) That the development and offering of new institutional health services should be accomplished in a manner which is orderly, timely, economical, and consistent with the effective development of necessary and adequate means of providing quality health care for persons to be served by such facilities without unnecessary duplication or fragmentation of such facilities;

(3) That the development of health resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities; and

(4) That the development and maintenance of adequate health care information and statistics essential to effective health planning and resources development be accomplished."

#### NEW SECTION

**WAC 248-19-220 DEFINITIONS.** For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambulatory surgical facilities.

(2) "Affected persons" means the person whose proposal is being reviewed, the health systems agency for the health service area in which the proposed new institutional health service is to be offered or developed, health systems agencies serving contiguous health systems areas, health care facilities and health maintenance organizations located in the health service area which provide institutional health services, any agency which establishes rates for health care facilities or health maintenance organizations in the state, and those members of the public who are to be served by the proposed new institutional health services.

(3) "Ambulatory surgical facility" means a facility, not a part of a hospital, which provides surgical treatment to patients not requiring inpatient care in a hospital. This term does not include an ambulatory surgical facility in the offices of private physicians or dentists, whether for individual or group practice if the privilege of using such ambulatory surgical facility is not extended to physicians or dentists outside the individual or group practice.

(4) "Applicant" means any person or any individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity that proposes to offer or develop a new institutional health service which is subject to review under the provisions of the State Health Planning and Resources Development Act and Public Law 93-641, or undertake expenditures in preparation for such offering or development of such a service.

(5) "Annual implementation plan" means a description of objectives which will achieve goals of the health systems plan and specific priorities among the objectives. The annual implementation plan is for a one-year period and must be reviewed and amended as necessary on an annual basis.

(6) "Board" means the Washington state board of health.

(7) "Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure.

(8) "Certificate of need" means a written authorization by the secretary for a person to implement a proposal for one or more particular new institutional health services.

(9) "Certificate of need unit" means that organizational unit of the department which is responsible for the management of the certificate of need program.

(10) "Construction" means the erection, building, alteration, remodeling, modernization, improvement, modification, extension or expansion of a physical plant of a health care facility or the conversion of a building or portion thereof to a health care facility. "Construction" includes: The development of site, architectural, structural, mechanical or electrical drawings and specifications; site development or preparation; supervision and inspection of the construction project and the acquisition of equipment in or for the physical plant facilities which are constructed.

(11) "Council" means the state health coordinating council established under the provisions of Public Law 93-641 and the State Health Planning and Resources Development Act.

(12) "Defined population" means the population that is or may reasonably be expected to be served by an existing or proposed health care facility. "Defined population" shall also include persons who prefer to receive the services of a particular recognized school or theory of medical care. "Defined population" shall not be limited to a geographical area.

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

(14) "Development" or "to develop," when used in connection with health services means undertaking those activities which upon their completion will result in the offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service: PROVIDED, HOWEVER, That this term shall not be interpreted to include long range planning or site acquisition or activities involved in preparation to offer or develop including community needs assessment and feasibility or marketing studies.

(15) "Health care facility" means hospitals, psychiatric hospitals, tuberculosis hospitals, nursing homes, both skilled nursing facilities and intermediate care facilities, kidney disease treatment centers including freestanding hemodialysis units, ambulatory surgical facilities, and home health agencies, and includes such facilities when owned and operated by the state or a political subdivision or instrumentality of the state and such other facilities as required by Public Law 93-641 and implementing regulations, but does not include Christian Science sanitariums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts.

(16) "Health maintenance organization" means any entity defined under RCW 48.46.020(1) and any other public or private organization, organized under the laws of any state, which:

(a) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(b) Is compensated (except for copayments) for the provision of the basic health care services listed in the preceding (a) of this definition to enrolled participants on a predetermined periodic rate basis; and

(c) Provides physicians' services primarily (i) directly through physicians who are either employees or partners of such organization, or (ii) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

The term "health maintenance organization for which assistance may be provided under Title XIII" means a health maintenance organization which is qualified under section 1310(d) of the Public Health Service Act or a health maintenance organization which the secretary of the United States department of health, education and welfare determines, upon the basis of an application and the submission of any information and assurances which he finds necessary, may be eligible for assistance under Title XIII of the Public Health Service Act.

(17) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

(18) "Health systems agency" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state of Washington and Public Law 93-641 and which is capable of performing each of the functions described in section 8 of the State Health Planning and Resources Development Act and is capable as determined by the secretary of the United States department of health, education and welfare, upon recommendation of the governor, of performing each of the functions described in the federal law, Public Law 93-641.

(19) "Health systems plan" means a detailed statement of goals and resources required to reach those goals as described in Public Law 93-641. Goals describe a healthful environment and health systems in the health service area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; are responsive to the unique needs and resources of the health service area; and take into account national guidelines for health planning policy and state-wide health needs and priorities. The health systems plan is for a period longer than one year and must be reviewed and amended as necessary on an annual basis.

(20) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW or which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons. Such term includes tuberculosis hospitals but does not include psychiatric hospitals.

(21) "Hospital commission" means the Washington state hospital commission established pursuant to chapter 70.39 RCW.

(22) "Inpatient" means a person who receives health care services with board and room in a health care facility on a continuous twenty-four hour a day basis.

(23) "Intermediate care facility" means an institution or distinct part thereof which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition require health related care and services (above the level of room and board).

(24) "Long-range health facility plan" means a document prepared by each hospital which contains a description of its plans for substantial changes in its facilities and services for three years.

(25) "May" means permissive or discretionary on the part of the department.

(26) "New institutional health services" means one or more of the following:

(a) The construction, development, or other establishment of a new health care facility or health maintenance organization;

(b) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of one hundred and fifty thousand dollars which under generally accepted accounting principles consistently applied is a capital expenditure, excluding: (i) Expenditures for site acquisition, (ii) acquisition of existing acute care health facilities and health maintenance organizations, and (iii) expenditures solely for the termination or reduction of beds or of a health service;

(c) Any acquisition by or on behalf of a health care facility or health maintenance organization under lease or comparable arrangement, or through donation, which would be subject to certificate of need review if the acquisition were by purchase;

(d) A change in bed capacity of a health care facility or health maintenance organization which increases the total number of licensed beds redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(e) Any new health services which are offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis by, in, or through such health care facility or health maintenance organization within the twelve-month period prior to the time such services would be offered; and

(f) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of one hundred and fifty thousand dollars made in preparation for the offering or development of a new institutional service and any arrangement or commitment made for financing the offering or development of the new institutional health service (expenditures of preparation for the offering of a new institutional health service shall include expenditures for architectural designs, plans, working drawings and specifications but shall exclude expenditures for feasibility surveys for health maintenance organizations which are funded under Section 1303 of the Public Health Service Act and expenditures for planning of health maintenance organizations which are funded under Section 1304 of the Public Health Service Act); and

(g) Radiological diagnostic health services which are offered in, at, through, by or on behalf of a health care facility or health maintenance organization (including services offered in space leased or made available to any person by the health care facility or health maintenance organization) which are provided by fixed or mobile computed tomographic scanning equipment except where these services are an addition to or replacement of the same service offered in, at, through, by or on behalf of the health care facility or health maintenance organization. The service provided by a computed tomographic head scanner shall not be considered the same service as that provided by a computed tomographic body scanner. The service provided by a computed tomographic fixed scanner shall not be considered the same service as that provided by a computed tomographic mobile scanner.

(27) "Nursing home" means any home, place, institution, building or agency or distinct part thereof which is licensed or required to be licensed under the provisions of chapter 18.51 RCW and any other intermediate care facility or skilled nursing facility as these terms are defined in this section of definitions.

(28) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility or a health maintenance organization:

(a) An enforceable contract has been entered into by a health care facility or health maintenance organization or by a person proposing such capital expenditure on behalf of the health care facility or health maintenance organization for the construction, acquisition, lease or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility or health maintenance organization for a force account expenditure which constitutes a capital expenditure, or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

(29) "Offer," when used in connection with health services means the health facility or health maintenance organization, provides or holds itself out as capable of providing or as having the means for the provision of one or more specific health services.

(30) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(31) "Persons directly affected" means the following: The person whose certificate of need application is being reviewed; members of the public who are to be served by the proposed new institutional health services; health care facilities and health maintenance organizations located in the health service area in which the service is proposed to be offered or developed which provide services similar to the proposed services under review; health care facilities and health maintenance organizations which, prior to receipt of the certificate of need application by the department, have formally indicated to the department an intention to provide such similar services in the future; and any agency which establishes rates for health care facilities or health maintenance

organizations located in the health service area in which the new institutional health service is proposed to be offered or developed.

(32) "Pre-development expenditures" means expenditures for the development of site, architectural, structural, mechanical or electrical drawings and specifications. Pre-development expenditures exclude expenditures for the following: Calling or advertising for construction bids, awarding of a construction contract, incurring an obligation for construction materials or labor, and site preparation or other activities involved in the commencement of construction.

(33) "Project" means any and all new institutional health services which may be or are proposed in a single certificate of need application or for which a single certificate of need is issued.

(34) "Psychiatric hospital" means any home, place, institution, building or agency or distinct part thereof which is licensed as a psychiatric hospital under the provisions of chapter 71.12 RCW and any other such home, place, institution, building or agency which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons.

(35) "Secretary" means the secretary of the Washington state department of social and health services or his designee.

(36) "Shall" means compliance is mandatory.

(37) "Skilled nursing facility" means an institution or distinct part of an institution which is primarily engaged in providing to inpatients skilled nursing care and related services for patients who require medical or nursing care, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons.

(38) "State health plan" means a document, described in Public Law 93-641, developed by the department, and approved by the state health coordinating council which recommends priorities for changes in the health system of the state to achieve the desired health status of the citizens of the state and describes the relationship of these priorities to national health priorities and to the priorities of the health systems agencies of the state as set forth in their health systems plans.

(39) "State Health Planning and Resources Development Act" means chapter 161, Laws of 1979 1st extraordinary session (46th Legislative Session).

(40) "State medical facilities plan" means a public document described in Public Law 93-641, which sets forth: The number and type of medical facility beds and medical facilities needed to provide adequate inpatient care to people residing in the state and a plan for the distribution of such beds and facilities throughout the state; the number and type of outpatient and other medical facilities needed to provide adequate public health services and outpatient care to people residing in the state; and a plan for the distribution of such facilities throughout the state and the extent to which existing medical facilities in the state are in need of modernization or conversion, or construction of new facilities is indicated and the priorities for such modernization, conversion, or construction projects.

## NEW SECTION

**WAC 248-19-230 APPLICABILITY OF CHAPTER 248-19 WAC.** (1) All new institutional health services offered or developed within the state by any person shall be subject to review under the certificate of need program and the provisions of chapter 248-19 WAC, with the exceptions provided for in this section.

(2) For the purposes of chapter 248-19 WAC "new institutional health services" shall include any and all of the following:

(a) The construction, development, or other establishment of a new health care facility or health maintenance organization;

(b) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of one hundred and fifty thousand dollars which under generally accepted accounting principles consistently applied is a capital expenditure, excluding expenditures for site acquisition, acquisition of existing acute care health facilities, health maintenance organizations, or expenditures solely for the termination or reduction of beds or of a health service;

(c) Any acquisition by or on behalf of a health care facility or health maintenance organization under lease or comparable arrangement, or through donation, which would be subject to certificate of need review if the acquisition were by purchase;

(d) A change in bed capacity of a health care facility or health maintenance organization which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(e) Any new health services which are offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis by, in, or through such health care facility or health maintenance organization within the twelve-month period prior to the time such services would be offered; and

(f) Any expenditure by or on behalf of a health care facility or health maintenance organization in excess of one hundred and fifty thousand dollars made in preparation for the offering or development of a new institutional service and any arrangement or commitment made for financing the offering or development of the new institutional health service (expenditures of preparation for the offering of a new institutional health service shall include expenditures for architectural designs, plans, working drawings and specifications but shall exclude expenditures for feasibility surveys for health maintenance organizations which are funded under Section 1303 of the Public Health Service Act and expenditures for planning of health maintenance organizations which are funded under Section 1304 of the Public Health Service Act); and

(g) Radiological diagnostic health services which are offered in, at, through, by or on behalf of a health care facility or health maintenance organization (including services offered in space leased or made available to any person by the health care facility or health maintenance organization) which are provided by fixed or mobile computed tomographic scanning equipment except where these services are an addition to or replacement of the same service offered in, at, through, by or on behalf of the health care facility or health maintenance organization. The service provided by a computed tomographic head scanner shall not be considered the same service as that provided by a computed tomographic body scanner. The service provided by a computed tomographic fixed scanner shall not be considered the same service as that provided by a computed tomographic mobile scanner.

(3) No person shall offer or develop a new institutional health service, or undertake a capital expenditure in preparation for such offering or development, unless a certificate of need authorizing such new institutional health services has been issued and remains valid.

(4) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section. The following shall be considered division of a project:

(a) Incremental activities over a period of a year within a given diagnostic, therapeutic, administrative or supportive service or department which together would constitute a new institutional health service; or

(b) Incremental activities within a period of three years which involve the relocation or expansion of more than one diagnostic, therapeutic, administrative or supportive service and which, if taken together, would constitute a new institutional health service.

(5) The department may issue certificates of need permitting pre-development expenditures only, without authorizing the development or offering of new institutional health services with respect to which such predevelopment expenditures are made.

(6) A certificate of need application which was submitted and declared complete, but upon which final action had not been taken prior to January 1, 1980 shall be reviewed and final action taken based on chapter 70.38 RCW and chapter 248-19 WAC as in effect prior to January 1, 1980.

(7) Certificates of need issued prior to January 1, 1980 shall not be terminated and the periods of validity of such certificates of need shall not be modified under the provisions of chapter 248-19 WAC which become effective January 1, 1980.

(8) The review process and the requirement for a certificate of need shall be waived for new institutional health services in a project which is in accord with the following requirements.

(a) The project shall not have been subject to certificate of need review prior to January 1, 1980 and shall meet one of the following conditions:

(i) The project has been reviewed under the provisions of Section 1122 of the Social Security Act and found to be in conformance with the standards, criteria and plans described in 42 CFR 100.104(a)(2) prior to January 1, 1980; or

(ii) An application for review of the project under the provisions of Section 1122 of the Social Security Act has been submitted and declared complete but final action upon the application has not been taken prior to January 1, 1980; or

(iii) An obligation, as defined in WAC 248-19-220, has been incurred prior to January 1, 1980 for the project, which is not subject to review under the provisions of Section 1122 of the Social Security Act.

(b) The project shall be completed by January 1, 1981 or, in the case of a construction project, commencement of construction shall have occurred by January 1982. If this requirement is not met, the new institutional health service(s) included in the project shall become subject to the requirements for a certificate of need.

#### NEW SECTION

**WAC 248-19-240 APPLICABILITY DETERMINATION.** (1) Any person needing to know whether a particular project the person plans to undertake is subject to certificate of need requirements, chapter 248-19 WAC, should submit a written request to the certificate of need unit of the department requesting a formal determination of applicability of the certificate of need requirements to the project.

(a) A copy of a written request for determination of applicability shall be sent simultaneously to the health systems agency for the health service area in which the project is to be located or take place and, in the case of a hospital project, to the hospital commission.

(b) The written request shall contain an explicit description of the particular project, including the nature and extent of any construction, changes in services and the estimated total costs of the project.

(2) The department may request such additional written information as is reasonably necessary to making an applicability determination on the particular project.

(3) The department shall consult with the health systems agency and, when appropriate, the hospital commission in making an applicability determination.

(4) The department shall respond in writing to a request for an applicability determination within thirty days of receipt of all the information needed for such determination. In the written response, the department shall set forth the reasons for its determination that the project is or is not subject to certificate of need requirements.

(5) Information or advice given by the department as to whether a project is subject to certificate of need requirements shall not be considered an applicability determination unless it is in written form in response to a written request submitted in accordance with provisions of this section.

(6) A written applicability determination on a particular project in response to a written request and based on written information shall be binding upon the department: PROVIDED, The nature, extent or cost of the project does not change.

#### NEW SECTION

**WAC 248-19-250 SANCTIONS FOR VIOLATIONS.** The department may take or cause to be taken any action against a person who has failed to comply with certificate of need regulations which is provided for in chapter 161, Laws of 1979 1st extraordinary session (46th Legislative Session), the State Health Planning and Development Act. Section 11 of this act provides:

"(4) The secretary of the department, in the case of a new health facility, shall not issue any license, and the insurance commissioner, in the case of a new health maintenance organization, shall not issue any certificate of registration, unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility or new health maintenance organization respectively.

(5) Any person who offers or develops a new institutional health service without first being granted a certificate of need by the secretary of the department shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized offering or development occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.

(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county."

#### NEW SECTION

**WAC 248-19-260 PERIODIC REPORTS ON DEVELOPMENT OF PROPOSALS.** (1) During April of each year, each health

care facility and each health maintenance organization shall submit to the department a report regarding any development of a proposal for a new institutional health service which is under consideration. Such report shall be submitted in a form prescribed by the department.

(2) If the health systems agency for the health service in which a health care facility or health maintenance organization is located requires submission of reports regarding development of proposals on at least an annual basis, the department shall accept a copy of each such report sent to the health systems agency in lieu of the report required under WAC 248-19-260(1).

(3) Submission of a long range plan which includes all new institutional health services under consideration by a health care facility or health maintenance organization shall be accepted as meeting this requirement for a periodic report on the development of proposals for new institutional health services.

#### NEW SECTION

**WAC 248-19-270 LETTER OF INTENT.** Any person planning to develop a construction project shall submit a letter of intent to the department at the earliest possible opportunity in the course of planning such construction project and, in any case, at least one hundred twenty calendar days before the person submits a certificate of need application for the project.

(1) The letter of intent shall inform the department of the nature and scope of the project, clearly describing the size and extent of any new or expanded services which will be included.

(2) A copy of the letter of intent shall be sent to the health systems agency for the health service area in which the project is to be located and, in the case of a hospital project, to the hospital commission.

#### NEW SECTION

**WAC 248-19-280 SUBMISSION AND WITHDRAWAL OF APPLICATIONS.** (1) A complete certificate of need application shall be required by the department before the review of a proposal for a new institutional health service begins.

(2) A person proposing a new institutional health service shall submit a certificate of need application in such form and manner and containing such information as the department may prescribe and publish after consultation with health systems agencies and the hospital commission. Such information may vary according to the purpose for which a particular review is being conducted or the type of new institutional health service.

(3) A person submitting a certificate of need application shall simultaneously submit copies of such application to the certificate of need unit of the department, the health systems agency for the health service area in which the proposed project is to be located and, in the case of a hospital project, to the hospital commission.

(a) The original and one copy of the application shall be submitted to the certificate of need unit of the department.

(b) At least three and such additional copies of the application as may be required by the health systems agency, for the health service area in which the proposed project is to be located, shall be submitted to the health systems agency.

(c) For a hospital project, one copy shall be submitted to the hospital commission.

(4) Within a fifteen day screening period, the department, the appropriate health systems agency and, for a hospital project, the hospital commission shall each screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for a certificate of need review. This screening period shall begin on the first day after which the department, the health systems agency and, when appropriate, the hospital commission have each received copies of the application.

(5) On or before the last day of the screening period for a certificate of need application the department shall send a written notice to the person who submitted the application stating whether or not the application has been declared complete.

(a) If the application has been found to be incomplete, the notice from the department shall specifically identify the portions of the application in which the information provided has been found to be insufficient or indefinite and request the supplemental information needed to complete the application. This notice from the department shall incorporate the findings as to insufficient or indefinite application information which have been transmitted to the department by the health systems agency and the hospital commission.



(b) The department may not require any supplemental information of a type which has not been prescribed and published as being necessary to a certificate of need application for the type of project being proposed.

(c) In response to the department's request for information to supplement an incomplete application, the person who submitted the application shall send copies of supplemental information to the same agencies and in the same numbers as required for an application under the preceding WAC 248-19-280(3).

(6) Screening of information supplemental to an incomplete application shall be carried out within the same number of days and in the same manner as required for an application under the preceding WAC 248-19-280 (3), (4) and (5). The process of screening supplemental information and requesting further supplemental information may be repeated until the department declares an application complete or the forty-fifth day after the beginning of the first screening period for the application, whichever occurs first.

(7) A certificate of need application, which the department has determined to be incomplete on the forty-fifth day after the first screening period for the application began, shall be withdrawn from the certificate of need screening and review process by the department and returned to the person who submitted the application unless the department has received a written request from the applicant for an extension of the screening period. The department may, upon receipt of such written request extend the time period during which an applicant may provide that information necessary to complete the application: PROVIDED, HOWEVER, That such extension shall not exceed ninety days from the date upon which the first screening period for the application began (see preceding WAC 248-19-280(4)).

(8) A certificate of need application shall be withdrawn from the certificate of need review process if the department receives a written request for withdrawal of the application from the person who submitted the application at any time before final action on such application has been taken by the secretary.

(9) Submission of a new certificate of need application shall be required for certificate of need review of any new institutional health service for which a certificate of need application has been withdrawn in accordance with the provisions of the preceding WAC 248-19-280 (7) or (8).

#### NEW SECTION

**WAC 248-19-290 CONCURRENT REVIEW OF SELECTED APPLICATIONS.** (1) The department with the concurrence of a health systems agency and, for hospital projects, the hospital commission may prescribe particular time schedules for the submission and concurrent review of certificate of need applications for selected types of projects within a given health service area. Such time schedules shall be for the purpose of comparative analysis of competing or similar projects to ascertain which of such projects may best meet the needs of the service area and the defined population.

(2) The projects for which the department may prescribe particular time schedules for the submission and concurrent review of certificate of need applications include but are not limited to the following:

- (a) Construction of a new hospital or a new nursing home;
- (b) Alterations of or additions to a hospital or nursing home which will increase the inpatient bed capacity;
- (c) New home health agencies or kidney disease treatment centers, including free standing hemodialysis units;
- (d) New or expanded radiation treatment facilities; and
- (e) Computerized transaxial tomographic equipment and any new, expanded or altered facilities for such equipment, whether such equipment is for initiation of computerized transaxial tomographic services or the modification or replacement of existing equipment.

(3) Notwithstanding any other provisions of this section, the following new institutional health care services shall not be subject to prescribed time schedules for submission and concurrent review of certificate of need applications:

- (a) Projects limited to new institutional health services the type, scope and location of which have been provided for in a current health systems plan, annual implementation plan or state health plan; and
  - (b) Projects which have been specifically included in a long-range health facility plan developed in accordance with the provisions of Section 14 of the State Health Planning and Resources Development Act.
- (4) Before prescribing time schedules for concurrent review of selected categories of projects the department shall provide health care

facilities and health maintenance organizations which would be affected by such schedules the opportunity to review and offer written comment on the schedules the department proposes to prescribe.

(5) Prescribed schedules shall be published and distributed to all health care facilities and health maintenance organizations which may be affected by them. Such publication and distribution of concurrent review schedules shall be at least six months prior to implementation of the prescribed schedules.

#### NEW SECTION

**WAC 248-19-300 CATEGORIES OF REVIEW.** (1) In the review of any certificate of need application, one of the following review processes shall be used: Regular review, expedited review or emergency review.

(2) Determination of review process.

(a) The department, after consulting with the appropriate health systems agency and, if a hospital project, the hospital commission, shall determine which review process will be used in the review of a given certificate of need application.

(b) Regular review. The regular review process shall be used in the review of a certificate of need application unless the department has received a written consent from the appropriate health systems agency for the use of an expedited or emergency review process in the review of such application.

(c) Expedited review.

(i) An expedited review shall be conducted for a hospital project which is consistent with the hospital's long-range plan developed in accordance with the requirements of Section 14 of the State Health Planning and Resources Development Act: PROVIDED, The appropriate health systems agency has given the department its written consent to an expedited review.

(ii) An expedited review may, with the written consent of the appropriate health systems agency, be conducted for the following types of projects: PROVIDED, That such projects appear to have a minimal impact on health services:

(A) Replacement of equipment having similar functional capability and not resulting in the offering or development of any new health services;

(B) Purchase, lease, donation or substantial acquisition by comparable arrangement of a nonacute care health care facility;

(C) Correction of fire, safety or health deficiencies cited by appropriate licensing or accrediting authorities or physical plant alterations which would eliminate functional obsolescence: PROVIDED, That such project does not involve the replacement or addition of inpatient rooms, partial or complete replacement of the facility, extensive alterations or additions, or the expansion or addition of health services;

(D) Construction of nonclinical improvements outside a health facility such as parking facilities, landscaping, lighting and similar projects; and

(E) A project which is limited to predevelopment expenditures and does not involve the development or offering of new institutional health services with respect to which such predevelopment expenditures are to be made.

(d) Emergency review.

(i) An emergency review may, with the written consent of the appropriate health systems agency, be conducted when an immediate capital expenditure is required in order for a health facility to maintain or restore basic and essential patient services.

(ii) The department may determine that an application submitted for emergency review does not qualify for such review. Such a determination and notification to the applicant shall be made within five days after receipt of the application. When the department makes a determination that an application is not subject to emergency review procedures, the application may, with the written consent of the appropriate health systems agency, be reviewed according to the expedited review process.

(3) Review processes for regular, expedited, and emergency certificate of need applications shall be in accordance with WAC 248-19-330, 248-19-340 and 248-19-350.

#### NEW SECTION

**WAC 248-19-310 NOTIFICATION OF BEGINNING OF REVIEW.** (1) The department shall provide written notice to persons directly affected and notice to the public to be served by the proposed



project of the beginning of the review of a certificate of need application. Such notice shall be given within twenty calendar days after receipt of a complete application unless the department has determined the certificate of need application is to be reviewed under an emergency review process.

(a) The written notices shall include:

(i) The proposed review schedule;

(ii) The period within which one or more persons directly affected by the review may request the department to conduct a public hearing during the review: **PROVIDED**, Such persons have not been afforded such opportunity for a public hearing by the appropriate health systems agency; and

(iii) The manner in which notification will be provided of the time and place of any hearing so requested.

(b) Notice to the public to be served by the proposed project shall be through a newspaper of general circulation in the health service area of the project.

(2) A regular or expedited review of a certificate of need application shall begin on the date the department sends notification to persons directly affected and the public on the beginning of the review; except, in the case of a project proposed by a health maintenance organization, the review period shall begin on the date all information needed for a complete application is received by the department, the applicable health systems agency and, if a hospital project, the hospital commission.

(3) Written notification to persons directly affected and the public on the beginning of an emergency review shall be sent on the fifth working day after all the information needed for a complete application is received by the department, the appropriate health systems agency and, if a hospital project, the hospital commission. A public hearing will not be conducted on an application reviewed on an emergency review basis.

(4) The review of a certificate of need application according to emergency review process shall begin on that day by which the department, the appropriate health systems agency, and the hospital commission in the case of hospital projects, have each received copies of the application.

#### NEW SECTION

**WAC 248-19-320 PUBLIC HEARINGS.** (1) "Opportunity for a public hearing," as used in this section, shall mean a public hearing will be conducted if a valid request for such a hearing has been submitted by one or more persons directly affected by the proposed project for which a particular certificate of need application is under review.

(2) The department shall provide opportunity to persons directly affected for a public hearing on a certificate of need application which is under review, unless the application is being reviewed according to the emergency review process.

(a) This requirement for a public hearing shall be deemed satisfied if the appropriate health systems agency has provided opportunity for such a public hearing to "persons directly affected" as this term is defined in WAC 248-19-220(31).

(b) If the appropriate health systems agency defines "persons directly affected" to whom it affords opportunity for such a public hearing to exclude one or more persons included in the definition of this term in WAC 248-19-220(31), the department shall conduct such a public hearing if:

(i) The health systems agency has not scheduled and given notice of a public hearing on the particular certificate of need application which is under review; and

(ii) The department receives a valid request for a public hearing on the particular certificate of need application from one or more "persons directly affected" who are excluded in the health systems agency's definition of such term.

(3) To be valid, a request for a public hearing on a certificate of need application under review shall:

(a) Be submitted in writing;

(b) Be received by the department within ten days after "Notification on Beginning of Review" was given by the department for the particular certificate of need application; and

(c) Include identification of the particular certificate of need application for which the public hearing is requested and the full name, complete address and signature of the person making the request.

(4) At least ten calendar days prior to a public hearing conducted by the department on a certificate of need application, the department shall give written notice of such public hearing to persons directly affected and notice to the public.

(a) The notices shall include: Identification of the certificate of need application on which the public hearing is to be conducted and the date, time and place of the public hearing.

(b) Notice to the public to be served by the proposed project to which the certificate of need application pertains shall be through a newspaper of general circulation in the health service area of the proposed project.

(5) The department shall not be required to conduct a public hearing on a certificate of need application which is being reviewed according to the emergency review procedure.

#### NEW SECTION

**WAC 248-19-330 REGULAR REVIEW PROCESS.** (1) The regular review process shall not exceed ninety days from the beginning of the review period unless the review period is extended in accordance with the provisions of this section, WAC 248-19-330 (2)(a) and (b), and (4) and (5).

(2) Within sixty calendar days from the first day of the review period the health systems agency and, in the case of a hospital project, the hospital commission, shall submit its findings and recommendations on a certificate of need application to the department unless the health systems agency or hospital commission has received an extension of this review period from the department.

(a) The department may extend the review period of a health systems agency and, in the case of a hospital project, the hospital commission for a period up to thirty calendar days upon receipt of a written request from one of these agencies.

(b) The department may grant further extensions of a review period to a health systems agency or, in the case of a hospital project, the hospital commission: **PROVIDED**, The person who submitted the certificate of need application gives written consent to such further extension.

(3) The department shall complete its final review and the secretary shall make his decision on a certificate of need application within thirty calendar days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission, unless the department extends its final review period in accordance with the provisions of WAC 248-19-330 (4) or (5).

(4) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may notify the person who submitted the application that additional relevant information is needed and extend its final review period up to but not exceeding thirty calendar days after receipt of the information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

(5) The department may extend either the review period for the health systems agency and the hospital commission or the department's final review period upon receipt of a written request of the person who submitted the application: **PROVIDED, HOWEVER**, That such an extension shall not exceed sixty calendar days.

#### NEW SECTION

**WAC 248-19-340 EXPEDITED REVIEW PROCESS.** (1) The expedited review process shall not exceed forty-five calendar days from the beginning of the review period unless extended in accordance with the provisions of this section, WAC 248-19-340 (3), (4), (6), and (7).

(2) When the term of an expedited review is forty-five calendar days, the health systems agency, and in the case of a hospital project, the hospital commission, shall submit written findings and recommendations to the department within thirty calendar days of the beginning of the review process.

(3) The expedited review process shall be extended to a period of seventy-five calendar days by the department at the request of the health systems agency, or, in the case of a hospital project, at the request of the hospital commission when one of these advisory review agencies requires sixty calendar days to complete and submit written findings and recommendations to the department.

(4) The department may grant further extensions of the expedited review period to the health systems agency, and in the case of a hospital project, to the hospital commission: **PROVIDED**, The person who submitted the certificate of need application gives written consent to such further extensions.

(5) The department shall complete its final review and the secretary shall make his decision on a certificate of need application under an

expedited review within fifteen calendar days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission, unless the department extends its final review period in accordance with the provisions of WAC 248-19-340 (6) or (7).

(6) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may notify the person who submitted this application that additional relevant information is needed and extend its final expedited review period up to but not exceeding thirty calendar days after receipt of the information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

(7) The department may extend either the expedited review period for the health systems agency and the hospital commission or the department's final review period upon receipt of a written request of the person who submitted the application: PROVIDED, HOWEVER, That such an extension shall not exceed sixty calendar days.

#### NEW SECTION

**WAC 248-19-350 EMERGENCY REVIEW PROCESS.** (1) The emergency review process shall not exceed fifteen working days from the beginning of the review period.

(2) Written findings and written recommendations of the health systems agency, and in the case of hospital projects, the hospital commission shall be submitted to the department within ten working days after the beginning of the review period for a project under emergency review.

(3) The department shall complete its final review and the secretary shall make his decision on an emergency certificate of need application within fifteen working days after the beginning of the emergency review period unless the department extends its final review period in accordance with the provisions of WAC 248-19-350(4).

(4) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may notify the person who submitted the application that additional relevant information is needed and extend its final emergency review period up to but not exceeding thirty calendar days after receipt of the information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

#### NEW SECTION

**WAC 248-19-360 BASES FOR FINDINGS AND ACTION ON APPLICATIONS.** (1) The findings of the department's review of certificate of need applications and the secretary's action on such applications, except as provided for applications for certain health maintenance organizations in WAC 248-19-410, shall be based on determinations as to:

(a) Whether the proposed project is needed to meet health care needs of the defined population to be served;

(b) Whether the proposed project is financially feasible with respect to both the capital costs and projected operational costs;

(c) Whether the proposed project will foster an acceptable or improved quality of health care; and

(d) Whether the proposed project will foster containment of the costs of health care.

(2) Criteria contained in WAC 248-19-370, 248-19-380, 248-19-390, and 248-19-400 shall be used by the department in making the required determinations.

(a) In the use of criteria for making the required determinations, the department shall consider:

(i) The relationship of the proposed project to the applicable health systems plan (HSP) and annual implementation plan (AIP), the state health plan (SHP) and state medical facilities plan (SMFP);

(ii) The findings and recommendations of the health systems agency, the state hospital commission (for a hospital project); and

(iii) The relationship of the proposed project to the long-range plan (if any) of the person proposing the project.

(b) The department may consider any of the following in its use of criteria for making the required determinations:

(i) Nationally recognized standards from professional organizations;

(ii) Standards developed by professional organizations in Washington state;

(iii) Federal medicare and medicaid certification requirements;

(iv) State licensing regulations;

(v) The hospital commission's policies, guidelines and regulations;

(vi) Applicable standards which have been developed by other individuals, groups or organizations with recognized expertise related to the proposed new institutional health services; and

(vii) The written findings and recommendations of individuals, groups or organizations with recognized expertise related to the proposed new institutional health services, with whom the department consults during the review of an application.

(c) The department shall identify the standards and consultation services the department will use in the review of a certificate of need application.

(d) Representatives of the department or consultants whose services are engaged by the department may make an on-site visit to a health care facility or health maintenance organization for which a certificate of need application is under review when the department deems such an on-site visit is necessary and appropriate to the department's review of a proposed project.

#### NEW SECTION

**WAC 248-19-370 DETERMINATION OF NEED.** A determination of need for a project shall be based on the following criteria.

(1) The defined population has need for services of the type proposed and services of the type proposed are not or will not be available in sufficient supply to meet the needs of the defined population.

(2) The proposed project will not unnecessarily duplicate any other available health service of the type proposed.

(3) Other services of the type proposed are not or will not be sufficiently accessible to meet the needs of the defined population.

(4) The extent to which low income persons, racial and ethnic minorities, women, handicapped persons and other underserved groups are likely to have access to the services to be provided through the project is commensurate with such persons' need for the services proposed to be offered, developed or expanded.

(5) In the case of a reduction or elimination of a service, including the relocation of a facility or service, the present need of the defined population for that service will be adequately met by the proposed relocated service.

(6) The resources required by the project are not or will not be needed for alternative uses that would meet needs for health services which have higher priority or would not be available for such alternative uses.

(7) The nature and location of the proposed project are such that the project will not result in unwarranted fragmentation of services.

(8) The proposed project is necessary to meet the special needs and circumstances of those entities (e.g., medical and other health professions schools, multidisciplinary clinics and specialty centers) which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which entities are located or in adjacent health service areas.

(9) The proposed project is necessary to meet the special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.

(10) The proposed project will make a special contribution in meeting the health related needs of members of medically underserved groups and groups which have traditionally experienced difficulties in obtaining equal access to health services (e.g., low income persons, racial and ethnic minorities, women and handicapped persons), particularly those needs identified in the applicable health systems plan and annual implementation plan as deserving of priority.

(11) The proposed new institutional health service is necessary to meet the special needs and circumstances of osteopathic hospitals and nonallopathic services.

#### NEW SECTION

**WAC 248-19-380 DETERMINATION OF FINANCIAL FEASIBILITY.** The determination of financial feasibility of a project shall be based on the following criteria.

(1) There is reasonable assurance that the immediate and long-range capital and operating costs of the project can be met.

(2) The costs of the project, including construction costs will probably not result in an unreasonable impact on the costs and charges for health services.

(3) An appropriate type and source of financing the project is available.

(4) Sufficient financial resources are available to support the project until the break-even point is reached.

#### NEW SECTION

**WAC 248-19-390 DETERMINATION OF QUALITY OF CARE.** A determination that a project fosters an acceptable or improved quality of health care shall be based on the following criteria.

(1) A sufficient supply of qualified staff, including both health manpower and management personnel, are available or can be recruited.

(2) The service or facility capacity is sufficient to accommodate the volume of service necessary to maintain staff proficiency.

(3) The project will have an appropriate relationship, including organizational relationship, to ancillary and support services.

(4) The capacity of ancillary and support services will be sufficient to support any health services included in the proposed project.

(5) The project will be in conformance with applicable federal, state and local laws, rules, regulations and standards.

(6) The nature and location of the project provides or maintains necessary linkage with other health services in the facility and with the services of other health care facilities.

(7) The proposed project will promote continuity in the provision of health care to the defined population.

(8) The proposed project will facilitate the care of patients in the most appropriate setting.

(9) There is reasonable assurance that the services to be provided through the proposed project will be provided in a manner that ensures safe and adequate care to the public to be served and in accord with applicable federal and state laws, rules, and regulations.

(a) The applicant has no history, in this state or elsewhere, of a civil or criminal conviction which is reasonably related to the applicant's competency to exercise responsibility for the ownership or operation of a health care facility, a denial or revocation of a license to operate a health care facility, a revocation of a license to practice a health profession, or a decertification as a provider of services in the Medicare or Medicaid program because of failure to comply with applicable federal conditions of participation; or

(b) If the applicant has such a history, the applicant has affirmatively established to the department's satisfaction by clear, cogent and convincing evidence that the applicant can and will operate the proposed project for which the certificate of need is sought in a manner that ensures safe and adequate care to the public to be served and conforms to applicable federal and state requirements.

#### NEW SECTION

**WAC 248-19-400 DETERMINATION OF COST CONTAINMENT.** A determination that a proposed project will foster cost containment shall be based on the following criteria.

(1) Less costly and equally or more effective alternatives, such as shared services, merger, contract services, and different methods of service provision, are not available or practicable.

(2) The costs and methods of construction are reasonable and efficient.

(3) The costs and methods of energy provision are reasonable and efficient, and take into consideration the special circumstances of health care facilities with respect to the need for energy conservation.

(4) The proposed project will promote increased efficiency or productivity.

(5) The proposed project will not have an unwarranted impact upon other needed health care facilities' costs of providing health services.

#### NEW SECTION

**WAC 248-19-410 REVIEW AND ACTION ON HEALTH MAINTENANCE ORGANIZATION PROJECTS.** (1) A certificate of need shall not be denied for any new institutional health service proposed to be provided by or through a health maintenance organization for which assistance may be provided under Title XIII of the Public Health Service Act under the following circumstances:

(a) When the department has granted a certificate of need which authorized the development of the service, or expenditures in preparation for such offering or development, and when the offering of this new institutional health service will be consistent with the basic objectives, time schedules, and plans of the previously approved application: **PROVIDED,** That the department may impose a limitation on the duration of the certificate of need; or

(b) Solely because there is a health maintenance organization of the same type, as specified in Section 1310(b) of the Public Health Service Act, in the same area, or solely because the services being reviewed are not discussed in the applicable health systems plan, annual implementation plan, state health plan, or state medical facilities plan.

(2) A certificate of need shall not be denied for any new institutional health service(s) proposed to be provided by or through a health maintenance organization for which assistance may be provided under Title XIII of the Public Health Service Act unless the department has determined the following:

(a) That enrolled or reasonably anticipated new members of the existing or proposed health maintenance organization do not need the proposed services; or

(b) That the services are available from other health maintenance organizations or providers which are not health maintenance organizations in a reasonable and cost-effective manner which is consistent with the basic method of operation of the health maintenance organization. In assessing the availability of the proposed services from these other providers, the department shall consider only the following:

(i) Whether the services would be available under a contract of at least five years duration;

(ii) Whether the services would be available and accessible through physicians and other health professionals associated with the health maintenance organization for which the project is proposed;

(iii) Whether the cost of the services would be no more than if such services were provided by the health maintenance organization for which the project is proposed; and

(iv) Whether the services would be available in a manner which is administratively feasible to the health maintenance organization for which the project is proposed.

(3) The review of a new institutional health service which is proposed to be provided by or through a health maintenance organization for which assistance may be provided under Title XIII of the Public Health Service Act and which consists of or includes the construction, development or establishment of a new inpatient health care facility shall be in accord with the following requirements:

(a) The department shall determine whether utilization of the inpatient health care facility by members of the health maintenance organization will account for at least seventy-five percent of the projected annual inpatient days, as determined in accordance with the recommended occupancy levels under the applicable health systems plan.

(b) If the department determines the members of the health maintenance organization will account for at least seventy-five percent of the projected annual inpatient days, the department shall review the proposed project in accordance with the provisions of the preceding WAC 248-19-410(2).

(c) If the department determines the members of the health maintenance organization will account for less than seventy-five percent of the projected annual inpatient days the department shall review the proposed project in accordance with the provisions of WAC 248-19-360, 248-19-370, 248-19-380, 248-19-390, 248-19-400, and 248-19-420(1)(c).

#### NEW SECTION

**WAC 248-19-420 WRITTEN FINDINGS AND ACTIONS ON CERTIFICATE OF NEED APPLICATION.** (1) Written findings.

(a) The findings of the department's review of a certificate of need application shall be stated in writing and include the basis for the secretary's decision as to whether a certificate of need is to be issued or denied for the proposed project.

(b) In making its findings the department shall use all criteria contained in WAC 248-19-370, 248-19-380, 248-19-390 and 248-19-400 which are applicable to the proposed project except as provided for in WAC 248-19-410 for health maintenance organization projects. The written findings shall identify any criterion which the department has decided is not applicable to the particular project and give the reason for such decision.

(c) A decision that a project for the provision of inpatient health service is needed shall not be made nor a certificate of need for such project be issued unless the department makes the following findings:

(i) Findings as to the efficiency and appropriateness of the use of existing inpatient facilities providing inpatient services similar to those proposed;

(ii) Findings as to the capital and operating costs for the project and their potential impact on patient charges;

(iii) Findings as to the efficiency and appropriateness of the proposed new institutional health service;

(iv) A finding that superior alternatives to the proposed inpatient services, in terms of cost, efficiency, and appropriateness do not exist and that the development of such alternatives is not practicable.

(v) In the case of new construction, a finding that alternatives to the new construction (e.g., modernization or sharing arrangements) have been considered and have been implemented to the extent practicable;

(vi) A finding that patients will experience serious problems in terms of cost, availability or accessibility or quality of care in obtaining inpatient care of the type proposed in the absence of the proposed new service; and

(vii) In the case of the addition of beds for the provision of skilled nursing care or intermediate care, a finding that relationship of the addition to the plans of other agencies of the state responsible for planning and financing long-term care (including home health services) has been considered.

(2) Separability of application and action. When a certificate of need application is for multiple services or multiple components or the proposed project is to be multiphased, the secretary may take individual and different action on separable portions of the proposed project.

(3) Conditional certificate of need.

(a) The secretary in making his decision on a certificate of need application may decide to issue a conditional certificate of need if the department finds that the project is justified only under specific circumstances.

(b) The conditions attached to a certificate of need may be released upon the request of the health care facility or health maintenance organization for which the certificate of need was issued: PROVIDED, It can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of the State Health Planning and Resources Development Act.

(4) Distribution of written findings and statement of decision.

(a) A copy of the department's written findings and statement of the secretary's decision on a certificate of need application shall be sent to:

(i) The person who submitted the certificate of need application;

(ii) The health systems agency for the health service area in which the proposed project is to be located;

(iii) The hospital commission, if the proposed project is for a hospital; and

(iv) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States department of health, education and welfare.

(b) The written findings and statement of the secretary's decision on a certificate of need application shall be available to others who request the certificate of need unit to provide access to a copy of such findings and statement.

(5) Explanation of inconsistency with health systems agency recommendation or plan. The department shall send to the appropriate health systems agency a written, detailed statement of reasons for a secretary's decision on a certificate of need application which is inconsistent with any of the following:

(a) The health systems agency's recommendation as to the action to be taken on the certificate of need application;

(b) The goals of the applicable health systems plan; and

(c) The priorities of the applicable annual implementation plan.

#### NEW SECTION

WAC 248-19-430 PROVISION FOR RECONSIDERATION DECISION. (1) Any person may, for good cause shown, request a public hearing for the purpose of reconsideration of the secretary's decision on a certificate of need application.

(2) The department shall conduct a reconsideration hearing if it finds the request is in accord with the following requirements.

(a) The request for a reconsideration hearing shall be written, state in detail the grounds for the request and be signed by the person making the request;

(b) The statement of the grounds for the request for the reconsideration hearing shall include:

(i) Relevant information not previously considered by the department which is sufficiently important to modify or reverse the department's findings and decision;

(ii) Information on changes in factors or circumstances relied upon by the department in making its findings and decision; or

(iii) Evidence the department materially failed to follow adopted procedures in reaching a decision.

(3) A reconsideration hearing shall be conducted in accordance with procedures for predecision and post decision meeting on certificate of need applications which are established and published by the department.

(4) Notification of a public reconsideration hearing on a certificate of need application shall be sent prior to the date of such hearing by the department to the following:

(a) The person who requested the reconsideration hearing;

(b) The person who submitted the certificate of need application which is under reconsideration;

(c) The health systems agency for the health service area in which the proposed project is to be offered or developed;

(d) The hospital commission, if the proposed project is a hospital project; and to

(e) Other persons who request the department to send them such notification.

(5) The department shall, within forty-five days after the conclusion of a reconsideration hearing, make written findings which state the basis of the decision made after such hearing.

(6) The secretary may, upon the basis of the department's findings on a reconsideration hearing, issue, amend or revoke a certificate of need for the project about which the reconsideration hearing was conducted.

#### NEW SECTION

WAC 248-19-440 ISSUANCE, SUSPENSION, DENIAL, REVOCATION AND TRANSFER OF A CERTIFICATE OF NEED.

(1) Issuance of a certificate of need.

(a) The secretary shall issue a certificate of need to the person who submitted the certificate of need application for the proposed project or a separable portion of the proposed project only if the department's findings and decision are that the project or the separable portion of the proposed project is consistent with the applicable criteria contained in WAC 248-19-370, 248-19-380, 248-19-390, 248-19-400 and 248-19-410.

(b) The secretary may issue a conditional certificate of need for a proposed project if it is justified only under specific circumstances.

(2) Suspension of a certificate of need.

(a) Grounds for which the department may suspend a certificate of need shall include, but not be limited to suspicion of fraud, misrepresentation, false statements, misleading statements, evasion or suppression of material fact in the application for a certificate of need or any of its supporting materials.

(b) The department shall issue an order for any suspension of a certificate of need to the person to whom the certificate of need had been issued.

(i) Such order shall state the reason for the suspension.

(ii) A copy of such order of suspension shall be sent to the appropriate health systems agency and, if for a hospital project, the hospital commission.

(c) A suspension of a certificate of need shall not exceed one hundred twenty calendar days.

(i) The department shall review the facts and circumstances relevant to the suspension and reinstate, amend or revoke a certificate of need within the one hundred twenty calendar days.

(ii) The department shall send written notice of its decision on a suspended certificate of need to the person to whom the certificate of need had been issued. A copy of such notice shall be sent to the appropriate health systems agency and, if a hospital project, to the hospital commission.

(3) Denial of a certificate of need.

The secretary shall send written notification of denial of a certificate of need for a proposed project or a separable portion of a proposed project to the person who submitted the certificate of need application for the proposed project for which the certificate of need is not issued.

(a) Such notification shall state the reasons for the denial of a certificate of need.

(b) Copies of such notification shall be sent to the appropriate health systems agency and, if for a hospital project, to the hospital commission.

(4) Continuing effect of a denial.

In any case in which a proposed project or separable portion of the proposed project has been denied a certificate of need, another certificate of need application for such proposed project or separable portion thereof shall not be accepted by the department or reviewed under the provisions of chapter 248-19 WAC following the denial unless the department determines:

(a) There is a substantial change in existing or proposed health facilities or services in the area to be served by the project; or

(b) There is a substantial change in the need for the facilities or services of the type proposed in the area to be served by the project; or

(c) Three years have lapsed since the submission of the application for the certificate of need which was denied.

(5) Revocation of a certificate of need.

(a) The department may revoke a certificate of need for fraud, misrepresentation, false statements, misleading statements, evasion or suppression of material facts in the application of a certificate of need, or in any of its supporting materials.

(b) A certificate of need shall be revoked two years or, if the department granted an extension of the certificate of need, two years and six months, from the date on which it was issued, unless it can be substantiated that substantial and continuing progress toward the commencement of the project has been made.

(c) The department may revoke a certificate of need if, after commencement of the project, the person to whom the certificate of need was issued fails, to make reasonable and continuing progress toward completion of the project.

(d) The secretary shall send written notification of a revocation of a certificate of need to the person to whom the certificate of need had been issued.

(i) The notice of revocation shall include a statement of the reasons for such revocation.

(ii) A copy of a notice of revocation shall be sent to the appropriate health systems agency and, if a hospital project, to the hospital commission.

(6) Transfer or assignment of a certificate of need. A certificate of need which has been issued to one person shall not be transferred or assigned to another person without the written approval of the secretary.

(a) The person to whom the certificate of need was originally issued shall submit to the department a written request that the certificate of need be transferred to another person and give the full name and complete address of the other person.

(b) The person to whom the current holder of the certificate of need wishes to transfer the certificate shall send a written request for such transfer on a form and in such a manner as prescribed and published by the department.

(c) The department after consulting the appropriate health systems agency and, for a hospital project, the hospital commission shall:

(i) Transfer the certificate of need;

(ii) Deny the transfer of the certificate of need and send written notice of the denial and the reasons for such denial to the persons who requested the transfer; or

(iii) If the person, who wishes to receive the certificate of need, plans to modify the project for which the certificate was issued, notify such person that an application for a new or amended certificate of need is necessary.

#### NEW SECTION

**WAC 248-19-450 CIRCUMSTANCES FOR WHICH AN AMENDED CERTIFICATE OF NEED IS REQUIRED.** (1) An amended certificate of need shall be required for any of the following modifications of a project for which a certificate of need was issued:

(a) An addition of a new service;

(b) An expansion of a service beyond that which was included in the certificate of need application on which the issuance of the certificate of need was based;

(c) An increase in the inpatient bed capacity; or

(d) Project cost increases, as represented in bids on a construction project or final cost estimate(s) acceptable to the person to whom the certificate of need was issued, when the total of such increases exceed five percent of the cost estimate which was included in the application for the certificate of need.

(2) An application for an amended certificate of need shall be submitted in accordance with the provisions of WAC 248-19-280.

(3) An application for an amended certificate of need shall be reviewed under the expedited review process set forth in WAC 248-19-340.

#### NEW SECTION

**WAC 248-19-460 VALIDITY AND EXTENSIONS.** (1) A certificate of need shall be valid for two years: PROVIDED, That one six

month extension may be made if it can be substantiated that substantial and continuing progress toward commencement of the project has been made.

(2) A project for which a certificate of need has been issued shall be commenced during the validity period for the certificate of need.

(3) Applications for extensions of the validity period of certificates of need shall be submitted simultaneously to the department, the appropriate health systems agency, and if a hospital project, the hospital commission, at least one hundred and twenty calendar days before the expiration of the certificate of need, and shall contain such information as may be required by the department to determine the extent of progress toward commencement of construction or other action necessary to a project.

(4) Applications for extensions of certificates of need which are submitted less than one hundred and twenty calendar days before the expiration of the certificate of need shall not be reviewed.

(5) Commencement of the project shall not be undertaken after the expiration of the certificate of need unless a new certificate of need application has been reviewed and a new certificate of need has been issued by the secretary.

#### NEW SECTION

**WAC 248-19-470 MONITORING OF APPROVED PROJECTS.** (1) The department in cooperation with the health systems agencies, and the hospital commission in the case of hospital projects, shall monitor the costs and components of approved projects so as to assure conformance with certificates of need that have been issued.

(2) The department shall require periodic progress reports from those applicants to whom certificates of need have been issued.

(a) Progress reports shall be required at least annually and at no greater frequency than quarterly.

(b) Progress reports shall be submitted in the form and manner prescribed and published by the department.

(3) Information required on approved projects may include but is not limited to:

(a) Actual project costs;

(b) Changes in the project;

(c) Financing arrangements;

(d) Project commencement date;

(e) Progress toward completion of construction;

(f) Project completion date.

(4) The information required on approved projects may vary according to the nature of the projects.

(5) Progress reports on a project for which a particular certificate of need has been issued shall terminate when the project has been completed and the department finds that it has received all the information necessary to determine that the project has been completed in accordance with the certificate of need which had been issued and the provisions of chapter 248-19 WAC.

#### NEW SECTION

**WAC 248-19-480 RIGHT AND NOTICE OF APPEAL.** (1) Any person denied a certificate of need or whose certificate of need was amended, suspended or revoked shall be afforded the opportunity for an administrative hearing on the department's decision.

(2) A health systems agency shall be afforded the opportunity for an administrative hearing regarding a department's decision on a certificate of need application which is inconsistent with the health systems agency's recommendation as to the action to be taken on such application.

(3) To be effective, a request for an administrative hearing shall be in writing and received by the department within thirty calendar days after the person or health systems agency requesting the hearing, received the particular decision of the department which is being appealed.

(4) An administrative hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW by an agency, other than the department, designated by the governor.

#### NEW SECTION

**WAC 248-19-490 CERTIFICATE OF NEED PROGRAM REPORTS.** The department shall prepare annual reports containing information on certificate of need reviews in progress, reviews completed in the preceding twelve month period, and a general statement of the findings and decisions made in the course of those reviews.

**NEW SECTION**

**WAC 248-19-500 PUBLIC ACCESS TO RECORDS.** The general public shall have access to all certificate of need applications reviewed by the department and to all other written materials pertinent to those reviews.

**REPEALER**

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

- |                            |   |
|----------------------------|---|
| (1) <u>WAC 248-19-010</u>  | PURPOSE.  |
| (2) <u>WAC 248-19-020</u>  | DEFINITIONS.  |
| (3) <u>WAC 248-19-025</u>  | APPLICABILITY DETERMINATIONS.                                   |
| (4) <u>WAC 248-19-030</u>  | PROCEDURES FOR REVIEW OF APPLICATIONS FOR CERTIFICATES OF NEED. |
| (5) <u>WAC 248-19-031</u>  | AMENDMENTS TO APPLICATIONS.                                     |
| (6) <u>WAC 248-19-033</u>  | NONSUBSTANTIVE REVIEW.  |
| (7) <u>WAC 248-19-035</u>  | PUBLIC NOTICE.  |
| (8) <u>WAC 248-19-040</u>  | ISSUANCE OF CERTIFICATE.  |
| (9) <u>WAC 248-19-041</u>  | BASIC CRITERIA FOR APPLICATIONS.                                |
| (10) <u>WAC 248-19-042</u> | UTILIZATION CRITERIA AND METHODS.                               |
| (11) <u>WAC 248-19-043</u> | CRITERIA FOR SPECIALIZED SERVICES.                              |
| (12) <u>WAC 248-19-047</u> | AMENDMENTS TO CERTIFICATES.                                     |
| (13) <u>WAC 248-19-048</u> | CONDITIONAL CERTIFICATES OF NEED.                               |
| (14) <u>WAC 248-19-050</u> | DENIAL OF CERTIFICATE.  |
| (15) <u>WAC 248-19-060</u> | SUSPENSION OF CERTIFICATES.                                     |
| (16) <u>WAC 248-19-070</u> | REVOCAION OF PREVIOUSLY ISSUED CERTIFICATES.                    |
| (17) <u>WAC 248-19-075</u> | NOTICE OF APPEAL.   |
| (18) <u>WAC 248-19-080</u> | SEPARABILITY OF APPLICATIONS.                                   |
| (19) <u>WAC 248-19-090</u> | INFORMATION REQUIRED.   |
| (20) <u>WAC 248-19-100</u> | INJUNCTIONS AGAINST VIOLATIONS.                                 |

**WSR 79-10-162****PROPOSED RULES****DEPARTMENT OF FISHERIES**

[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 75.08.080, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 10:00 a.m., Tuesday, November 13, 1979, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Thursday, November 15, 1979, in the Small Conference Room, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 13, 1979, and/or orally at 10:00 a.m., Tuesday, November 13, 1979, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: October 3, 1979

By: Gordon Sandison  
Director**AMENDATORY SECTION** (Amending Order 79-6, filed 1/30/79)

**WAC 220-52-019 GEODUCK CLAMS—GEAR.** It shall be unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the tidelands of the state of Washington: PROVIDED, That pursuant to RCW 75.24.100, validations for the use of hand-held manually operated water jet or suction devices for harvesting geoduck clams for commercial purposes may be obtained from the director of fisheries subject to the following conditions:

(1) All harvesting methods and types of water jet and suction devices used in the taking or harvesting of geoduck clams must be approved by the director of fisheries prior to their use, except that water jet devices meeting the following requirements are approved for use:

(a) The water jet must have an automatic spring-triggered shutoff valve or a manual valve capable of being operated from full flow to completely off within one-half turn.

(b) The device shall consist of not more than one jet, the nozzle of which shall not exceed 5/8 inch inside diameter.

(c) All commercial geoduck vessels and operators shall have semi-permanently attached water lines from the pump to the harvest nozzle. Such gear may not be attached to the vessel with underwater fastenings nor be quick-disconnect type gear.

(2) One geoduck validation must be physically present on board the harvest vessel for each and every geoduck (~~harvest nozzle~~) personal commercial fishing license in use. It is the responsibility of the ((lease)) holder of the harvest agreement to issue validations only to divers authorized to harvest on the ((lessee's)) specific tract or tracts. It is the responsibility of the ((lease)) holder of the harvest agreement to ensure that the required number of ((validations)) validation cards are on board the harvesting vessel engaged in geoduck harvesting.

(3) A ~~(separate)~~ valid geoduck personal commercial fishing license is required for each and every ((harvest head in actual operation)) diver who is harvesting or attempting to harvest geoducks.

(4) It shall be lawful to harvest geoducks only from one-half hour before sunrise to one-half hour after sunset and it shall be unlawful to have underwater lights aboard any vessel engaged in commercial geoduck harvest.

(5) It shall be unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(6) It shall be unlawful to retain any shellfish other than geoduck clams during geoduck harvesting operations unless the operator is licensed for the taking of clams other than geoduck clams as provided for in RCW 75.24.100.

(7) It shall be unlawful for ~~((a geoduck lease holder to operate more than six geoduck harvest nozzles))~~ more than six divers to harvest geoducks at any one time on a single geoduck tract ((at any given time)). It shall be the responsibility of the ((lease)) holder of the harvest agreement to assure that no more than six ((nozzles)) divers are ((used)) harvesting at one time.

(8) At all times when geoduck harvest is occurring, copies of the official geoduck tract map and complete tract boundary identification documents or photographs as issued by the department of natural resources for the specific tract must be on board the vessel.

(9) No processing of geoducks is permitted on board the harvest vessel.

(10) It shall be unlawful to take, fish for or possess geoduck clams except within boundaries of subtidal tracts ~~((leased from))~~ for which geoduck harvest agreements have been issued by the department of natural resources ((for geoduck harvest)) or from subtidal tracts which were leased from the department of natural resources prior to June 30, 1979 for geoduck harvest.

(11) It shall be unlawful to harvest from bottoms which are shallower than 10 feet below mean lower low water (0.0 feet), or which lie in areas bounded by the line of ordinary high tide (mean high tide), and a line 1/4-mile seaward from and parallel to said line of ordinary high tide on subtidal tracts which were leased for geoduck harvest prior to June 30, 1979.

(12) It shall be unlawful to harvest from bottoms which are shallower than 18 feet below mean lower low water (0.0 feet), or which lie in areas bounded by the line of ordinary high tide (mean high tide), and a line 200 yards seaward from and parallel to said line of ordinary high tide on subtidal tracts for which geoduck harvest agreements have been issued after June 30, 1979.



**AMENDATORY SECTION** (Amending Order 77-65, filed 8/5/77 and 8/25/77)

**WAC 220-52-01901 VALIDATIONS.** (a) Numbered validations will be issued only to holders of valid subtidal geoduck (~~((leases from))~~) harvest agreements issued by the department of natural resources((:)) and persons who hold current geoduck tract licenses issued by the department of fisheries. The validation will contain the identification of each licensed tract (~~((held by the lease holder))~~).

(b) The number of validations to be issued to each (~~((lease))~~) holder of a harvest agreement shall be determined by the director of fisheries based upon the number of individual geoduck tracts (~~((under lease))~~) for which harvest agreements have been issued by the department of natural resources, their total acreage, past geoduck production, present number of nozzle licenses held for the operation, and other factors as deemed appropriate by the director of fisheries.

(c) The number of geoduck validations held by the (~~((lease))~~) holder of the harvest agreement may be adjusted from time to time as deemed necessary by the director of fisheries and when changes in leases occur.

(d) The geoduck validation will expire at the end of each calendar year, provided that the director may issue temporary validations for restricted time periods. In the event a validation is lost, a new validation will be issued upon receipt of a signed affidavit from the (~~((lease))~~) holder of the harvest agreement attesting to the loss. Any request to assign or transfer a validation from one (~~((lease))~~) holder of a harvest agreement to another must be made in writing. No validation will be assigned or transferred without the written approval of the director of fisheries.

(e) The (~~((lease))~~) holder of the harvest agreement is held responsible for notifying each diver to whom he provides a validation of all the laws and regulations of the state of Washington Department of Fisheries pertaining to commercial geoduck harvest. The (~~((lease))~~) holder of the harvest agreement and/or diver may be held criminally or civilly liable for violation of the applicable rules and regulations of the department of fisheries. Any violations by either the (~~((lease))~~) holder of the harvest agreement and/or the diver can result in suspension and a cancellation of the validation subject to the holder's right to opportunity for a hearing as specified in chapter 34.04 RCW. The director of fisheries may refuse to issue a validation to any (~~((lease))~~) holder of a harvest agreement who has failed to comply with these regulations.

(f) Applications for geoduck validations must be made on forms provided by the department of fisheries.

(g) At all times when geoduck harvest is occurring, the geoduck tract license for the specific tract and the geoduck personal commercial fishing license and validation card for each and every diver who is harvesting or attempting to harvest geoducks from that tract, must be prominently displayed on board the vessel.

**AMENDATORY SECTION** (Amending Order 79-6, filed 1/30/79)

**WAC 220-52-075 SHELLFISH HARVEST LOGS.** It shall be unlawful for any vessel operator engaged in commercial fishery, geoduck, sea cucumber, sea urchin, shrimp and Puget Sound crab fisheries and operators of mechanical clam digging devices to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, geoducks, sea cucumbers, sea urchins, shrimp, Puget Sound crab, or clams aboard. The vessel operator must submit the log book for inspection upon request by authorized department of fisheries representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first. Vessel operators engaged in commercial harvest of:

(1) Shrimp, crawfish and Puget Sound crab with shellfish pot or ring net gear must record the vessel identity, number of pots or ring nets pulled, date pulled, soak times and gear location before leaving the catch area where taken and weights must be recorded upon landing or sale.

(2) Shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location, duration and estimated weight of shrimp caught for each tow before leaving the catch area where taken.

(3) Sea urchins, or sea cucumbers must record the vessel identity, date, location and approximate number of geoducks, sea urchins or sea cucumbers before leaving the catch area where taken and the exact weight must be recorded upon landing or sale.

(4) Clams with mechanical digging devices must record the vessel identity, location and date of harvest before the end of each days' fishing and the weights by clam species must be recorded upon landing or sale.

(5) Geoducks must record the vessel identity date, location, and approximate number of geoducks before leaving the department of natural resources geoduck tract from which the catch was taken, and the exact weight must be recorded upon landing or sale. A separate geoduck harvest log must be used for each separate tract for each month fished.

**WSR 79-10-163**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 79-102—Filed October 3, 1979]

I, Gordon Sandison, director of State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is an abundance of hatchery coho allows an additional opening in upper Willapa Bay.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED October 3, 1979.

By Gordon Sandison  
Director

**NEW SECTION**

**WAC 220-40-02200J WILLAPA HARBOR—GILL NET (1)** *Notwithstanding the provisions of WAC 220-40-022 and WAC 220-40-024, it shall be lawful to take, fish for and possess salmon for commercial purposes with gill net gear in Willapa Harbor Fishing Areas 2G and 2H from 6:00 p.m. Wednesday, October 3, through 6:00 p.m. Friday, October 5, 1979.*

*(2) It shall be unlawful to take, fish for or possess salmon for commercial purposes in the above described areas during the above described times with gill net gear having a mesh size smaller than 5 inches or greater than 7 inches.*

**REPEALER**

*The following section of the Washington Administrative Code is repealed:*



WAC 220-40-022001 WILLAPA HARBOR—  
GILL NET (79-99)

**WSR 79-10-164**

**PROPOSED RULES**

**COUNCIL FOR POSTSECONDARY EDUCATION**

[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the Educational Services Registration Act, chapter 188, Laws of 1979 1st ex. sess.;

that such agency will at 9:45 a.m., Wednesday, December 5, 1979, in the Gold Room, Highline Community College, Midway, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, December 6, 1979, in the Gold Room, Highline Community College, Midway, Washington.

The authority under which these rules are proposed is section 5, chapter 188, Laws of 1979 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 12, 1979, Please contact: Mark. D. Johnson, Associate Coordinator for Academic Program Services, Council for Postsecondary Education, 908 East Fifth Avenue, Olympia, Washington 98504, (206) 753-1149, and/or orally at 1:30 p.m., Thursday, November 8, 1979, Room CAB 110, The Evergreen State College, Olympia, Washington.

Dated: October 3, 1979

By: Chalmers Gail Norris  
Executive Coordinator

**Chapter 250-55 WAC**

**REGULATIONS FOR THE ADMINISTRATION OF THE EDUCATIONAL SERVICES REGISTRATION ACT**

**NEW SECTION**

**WAC 250-55-010 PURPOSE.** The Educational Services Registration Act (chapter 188, Laws of 1979 first extraordinary session) established a requirement that all postsecondary educational institutions operating in Washington register with the Council for Postsecondary Education or the Commission for Vocational Education, unless specifically exempted from the registration requirement by the act. This chapter is promulgated by the council as a supplement to the act in order to establish necessary regulations for the registration of degree-granting institutions and certain dual-purpose institutions that are required to register with the council.

**NEW SECTION**

**WAC 250-55-020 DEFINITIONS.** The definitions set forth in this section are intended to supplement the definitions in section 3, chapter 188, Laws of 1979 first extraordinary session, and shall apply throughout this chapter, unless the context clearly indicates to the contrary:

(1) "Educational institution" or "institution" means a degree-granting institution or a dual-purpose institution as defined in section 3, chapter 188, Laws of 1979 first extraordinary session.

(2) "Council" shall mean the Council for Postsecondary Education.

(3) "Accreditation" means the process whereby an agency or association grants certification to a school, institute, college or university

which meets certain established qualifications and educational standards, as determined through initial and periodic evaluations. The essential purpose of the accreditation process is to provide a professional judgment as to the quality of the educational institution and/or program(s) offered, and to encourage continual improvement thereof.

(4) "Institutional accreditation" shall mean the process by which an accrediting agency reviews the objectives and operations of an institution and determines that the institution as a whole is capable of achieving its educational objectives and fulfilling its commitment to students. Institutions that are candidates for accreditation or are on probation concerning their accreditation status shall not be judged to have institutional accreditation.

(5) "Charitable institution, organization or agency" shall mean any public or private not-for-profit entity organized substantially to provide or promote services to the general public without charge or for nominal payment and which substantially relies on contributions from the general public, private organizations, the United States, or any state or political subdivision thereof for its operating expenses.

(6) "The act" shall mean the Educational Services Registration Act (chapter 188, Laws of 1979 first extraordinary session).

**NEW SECTION**

**WAC 250-55-030 EXEMPTIONS.** The following types of education and institutions are exempted from the provisions of this chapter:

(1) Education offered or sponsored by a bona fide trade, business, professional, or fraternal organization primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Education solely avocational or recreational in nature and institutions offering such education exclusively: PROVIDED, That such education is not advertised or promoted as leading toward educational credentials;

(3) Education offered by charitable institutions, organizations or agencies: PROVIDED, That such education is not advertised or promoted as leading toward educational credentials;

(4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A (Common Schools), 28B (Higher Education), and 28C (Vocational Education) RCW;

(5) Institutions that have received institutional accreditation from any accrediting association recognized by the council under the provisions of WAC 250-55-220: PROVIDED,

(a) That this exemption shall pertain only to the types of educational credentials for which the institution is accredited;

(b) That an institution, branch, extension or facility operating within the state of Washington, which is affiliated with an institution operating in another state, must have separate institutional accreditation from a recognized accrediting association to qualify for this exemption; and

(c) That an institution offering instruction solely to personnel employed on a military base, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for this exemption;

(6) Any other institution to the extent that it has been exempted from some or all of the provisions of this chapter in accordance with the hardship exemption procedure outlined in section 13, chapter 188, Laws of 1979 first extraordinary session.

**NEW SECTION**

**WAC 250-55-040 APPLICATION, ANNUAL RENEWAL, AND AMENDMENTS.** (1) At the time of its initial registration, each institution shall:

(a) Pay the council an initial registration fee of \$200.00.

(b) File with the council a surety bond or other form of security, as specified in section 11, chapter 188, Laws of 1979 first extraordinary session, and WAC 250-55-050.

(c) File with the council a statement of organization, on a form developed by the council, which shall include the following information:

(i) Name, address, and type of institution.

(ii) Names and addresses of the owner(s), if applicable; any shareholders holding more than a ten percent interest in the case of an incorporated institution; or members of the governing board in the case of a nonprofit institution.

(iii) Names and addresses of the chief administrative officer and all agents of the institution.

(iv) A copy of each of the materials that the institution is required to supply to prospective students prior to enrollment in accordance with WAC 250-55-100.

(v) A list, with addresses, of all locations at which the institution offers instruction.

(vi) The name of a bank or other financial institution that may be consulted as a financial reference.

(vii) An audited financial statement prepared by an independent, licensed accountant.

(viii) Copies of any enrollment agreement and/or student contract employed by the institution.

(ix) Copies of any contracts for library services required in WAC 250-55-100(3).

(x) A signed, written statement from the chief administrative officer attesting to the truth and accuracy of the information provided and pledging that the institution will comply with the requirements of the act and this chapter.

(2) At the time of each annual renewal, the institution shall:

(a) Pay the council a renewal fee of \$100.00.

(b) Provide evidence of continued compliance with the surety bond or security requirement specified in section 11, chapter 188, Laws of 1979 first extraordinary session, and WAC 250-55-050.

(c) File an amended statement of organization, as specified in subsection (1)(c) of this section, indicating any changes from the information previously submitted, together with a signed, written statement from the chief administrative officer, attesting to the truth and accuracy of the information provided in the amended statement of organization and pledging continued compliance with all the requirements of the act and this chapter.

(3) Additionally, the institution shall file an amended statement within thirty days of any change of circumstances which would require amendment of the information provided in compliance with subsection (1)(c) of this section. All amended statements must be filed with the council and include a signed written statement, as required in subsection (1)(c)(x) of this section.

(4) Any institution registered with the council shall grant to the executive coordinator of the council or his designated representative access to all records relevant to the requirements of the act and this chapter at any time during the normal business hours of the institution.

(5) The certificate of registration shall be prominently displayed at all times at some place on the premises of the institution, open to inspection by all interested persons.

(6) If the council shall determine that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the requirements of the act and this chapter, the council may deny the issuance or continuance of a certificate of registration or establish conditions in conformity with these provisions which shall be met by said school prior to issuance or continuance of such a certificate: PROVIDED, That the institution may appeal such a denial under the provisions of WAC 250-55-190.

#### NEW SECTION

**WAC 250-55-050 BONDING.** In addition to the requirements set forth in section 11, chapter 188, Laws of 1979 first extraordinary session, the following requirements shall pertain:

(1) The amount of the surety bond shall be ten percent of the preceding year's total tuition and fee charges to students receiving educational services in Washington, but not less than \$5,000 nor more than \$75,000. In the case of institutions that have not operated prior to the date of their initial registration the bond amount for the first year of registration shall be based upon total anticipated tuition and fee charges for the next calendar year.

(2) In lieu of the surety bond provided for herein, the institution may furnish, file or deposit with the council, cash or other negotiable security, in an amount and of such proportions as required in subsection (1) of this section by one of the following means:

(a) An escrow account which provides the state of Washington with the same recourse against the assets in the account as it would have against an insurance company on a bond.

(b) A certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have a full recourse to the assets of the instrument, with specific provision that the bank of deposit will assume the responsibility of keeping the instrument safe and will not release same to the owner or school unless the council advises for a release.

(c) An irrevocable letter of credit from a bank, made payable to the state of Washington and deposited with the council. The irrevocable letter will be released to the institution a year after the institution has ceased to be in operation, or immediately when replaced by another instrument with similar amount.

#### NEW SECTION

**WAC 250-55-060 MINIMUM STANDARDS.** Any educational institution that is required to register under the provisions of this chapter shall be maintained and operated in compliance with the standards outlined in this section and in WAC 250-55-070 through 250-55-170.

(1) Every educational institution shall designate an individual as a "chief administrative officer." It shall be the responsibility of the chief administrative officer to ensure that the institution complies with the registration and other requirements of the act and this chapter.

(2) The institution must comply with all of its published policies, procedures, and standards: PROVIDED, That any change in policies, procedures, and standards shall be inadmissible in any hearing conducted by the council under WAC 250-55-210 unless such change is reported to the council in compliance with WAC 250-55-040.

(3) Institutions licensed to operate by an agency of the state of Washington shall meet the educational standards enumerated by that licensing authority and shall be deemed to have met the requirements of this section insofar as the educational standards stipulated by the licensing authority are contained within this section.

#### NEW SECTION

**WAC 250-55-070 PROGRAM QUALITY AND CONTENT.**

(1) The objectives and requirements for each program shall be provided to students in written form prior to enrollment. Each program shall consist of a planned sequence of related courses designed to achieve the published objectives of the program.

(2) Each course shall be taught by a qualified faculty member, as specified in WAC 250-55-090(2).

(3) Each student must have access to academic counseling by a member of the faculty.

(4) Admission to an associate or baccalaureate degree program shall require a high school diploma or equivalent. Admission to a masters or doctoral degree program shall require completion of at least a baccalaureate degree.

(5) For the award of an associate degree, the institution shall require a minimum of eighteen months of full-time equivalent study; for a baccalaureate degree, thirty-six months of full-time equivalent study; for a masters degree, nine months of full-time equivalent post-baccalaureate study; and for a doctorate, twenty-seven months of full-time equivalent post-baccalaureate study. Credit for prior experience in lieu of full-time study may be included in accordance with subsection (9) of this section.

(6) Institutions that provide for the development of individualized degree programs shall have carefully-designed, published policies and procedures for designing such programs.

(7) Any individualized courses, including but not limited to independent study, research, and internships, shall be based upon written contracts that specify the content of the course, as well as the specific responsibilities of the student and the instructor.

(8) All courses offered by correspondence, extension, or in summer sessions shall be consistent with, and comparable in content and quality to courses offered to students regularly enrolled on a full-time basis.

(9) If the institution offers credit for prior learning, prior experience, and/or credit by examination, there shall be clearly defined, published policies and procedures for awarding such credit. No more than fifty percent of the credits required for a degree or other credential shall be awarded for prior experience.

#### NEW SECTION

**WAC 250-55-080 SPACE, EQUIPMENT, LIBRARIES, AND PERSONNEL.** (1) The institution shall have space and equipment sufficient to achieve program and institutional objectives.

(2) The institution must comply with all local, state, and federal laws governing physical facilities and equipment, particularly with respect to fire, health, safety, and sanitation.

(3) The institution's library shall contain a collection of books, periodicals, newspapers, and other instructional materials sufficient for the needs of the educational programs of the institution, and shall be

readily accessible to the faculty and the students. If the institution does not maintain its own library, there shall be a formal contractual arrangement with another institution or organization to provide for faculty and student access to a collection sufficient for the needs of the educational programs of the institution.

(4) Laboratories shall be fully equipped for instruction in courses for which laboratory work is required. Laboratories shall be well lighted, well ventilated and sufficient in size to meet course requirements.

(5) The institution shall have qualified personnel sufficient to provide all services that are offered, including but not limited to instructional staff for all programs for which students are enrolled, academic and student personnel counselors, placement counselors, and a student aid administrator.

#### NEW SECTION

**WAC 250-55-090 PERSONNEL QUALIFICATIONS.** (1) Either the chief administrative officer or the chief academic officer shall have experience in the areas of teaching, academic program administration, and curriculum design.

(2) Members of the instructional staff shall be prepared, by formal education and experience, in specific subjects which they are assigned to teach. A minimum of seventy-five percent of the faculty members instructing in a baccalaureate program shall have at least a baccalaureate degree; a minimum of seventy-five percent of the faculty members instructing in a masters program shall have at least a masters degree; and a minimum of seventy-five percent of the faculty members instructing in a doctoral program shall have a doctoral degree or equivalent.

(3) All other professional staff shall be qualified, by education and experience, to provide the services for which they are responsible.

(4) The institution and its personnel shall at all times adhere to ethical practices, as may be attested to by responsible business or financial firms, credit associations, or other reputable persons. The council may refuse, suspend or revoke the certificate of registration if it finds that any current owner, officer, faculty or other staff member of the institution has pleaded guilty, entered a plea of nolo contendere or has been found guilty of a crime or felony involving moral turpitude by a judge or jury in any state or federal court.

#### NEW SECTION

**WAC 250-55-100 CATALOGS AND BROCHURES.** The institution shall provide students and other interested parties with a catalog or brochure, supplemented as necessary by other published materials. The catalog or brochure must be revised and published at least every two years, starting on or before September 30, 1980. The catalog or brochure, together with whatever supplementary materials may be necessary, shall include at least the following information:

(1) Identifying data, such as volume number, date of publication, and years for which the catalog is effective.

(2) The official name, address, and telephone number of the institution.

(3) A statement on the first page or cover of the catalog that says that the institution, by name, "is registered with the Washington State Council for Postsecondary Education under the Educational Services Registration Act and complies with the requirements and educational standards established for degree-granting institutions in the state of Washington," and that "in addition to any other legal remedies, in the event of a dispute between a student and the institution involving a requirement of the act or relevant council regulations, either party may seek a resolution of the dispute by consulting the executive coordinator of the council or the Attorney General of the state of Washington."

(4) A statement of the origin and objectives of the institution.

(5) A list of all institutional board members, including their firms and professional titles, or city of residence.

(6) A list of all institutional administrators and faculty members, including their titles and academic qualifications. In the case of faculty members, each entry shall also include the name of the faculty member's academic department and/or field(s) of instruction.

(7) An institutional calendar showing legal holidays, beginning and ending dates of each quarter, term, or semester, and other important dates.

(8) Institutional policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each of the programs.

(9) Institutional policy and regulations relative to leaves, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance.

(10) Institutional policy relative to standards of progress required of the student. This policy shall describe the grading system of the school, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, a description of the probationary period, if any, and conditions for reentrance for those students dismissed for unsatisfactory progress. A statement shall be made regarding progress records kept by the institution and furnished to the student.

(11) Institutional policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct.

(12) A detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other student charges necessary for the completion of each course of study.

(13) Policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom, in compliance with the provisions of WAC 250-55-160.

(14) A description of the available space, facilities and equipment, and the usual class size.

(15) A description of the objectives, requirements, and length of each program offered.

(16) For each program or field of study that prepares students for a licensed or certified occupation, a statement that indicates whether or not the appropriate agency or association recognizes the program for purposes of licensing or certification in that occupation. For all such programs, this information must be provided at the beginning of each program description in the catalog, brochure, and supplementary publications.

(17) Policy and procedures relative to the granting of credit for previous education and experience.

(18) A statement explaining the specific arrangements, or lack thereof, for transfer of the institution's credits to other institutions.

(19) If the institution offers multiple degrees, an indication of which courses qualify for credit toward each degree.

(20) If the institution offers individualized courses or programs, a description of the manner in which those courses or programs are designed.

(21) A description of the types of financial assistance available to students enrolled in the institution.

(22) A description of any auxiliary services offered, including but not limited to housing, counseling, placement services, services for veterans and other special groups, and extracurricular activities.

(23) Such other material facts concerning the institution and the program as are reasonably likely to affect the decision of the student to enroll in the institution.

(24) A table of contents or index.

(25) The catalog shall be supplemented with a printed schedule of courses to be offered each term. The schedule for any particular term shall be available to students at least two weeks prior to the beginning of classes.

#### NEW SECTION

**WAC 250-55-110 EDUCATIONAL CREDENTIALS.** (1) Upon satisfactory completion of education or training, the student shall be given appropriate educational credentials by the institution indicating that the course or courses of instruction or study have been satisfactorily completed by the student.

(2) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript that specifies all courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded for prior learning, prior experience, correspondence courses, and credit by examination.

(3) No institution shall offer, print, or award a degree or any other type of educational certificate unless the student has enrolled in and completed a prescribed program of study, as outlined in the institution's catalog, that has been identified in the institution's registration application, annual renewal application, or amendments, as prescribed in WAC 250-55-040.

**NEW SECTION**

**WAC 250-55-120 RECORDS.** (1) In addition to the transcript requirement provided for under WAC 250-55-110(2), the institution shall maintain adequate records to document the performance and progress of each student. The records and accounts pertaining to each period of enrollment of each student shall be kept intact and in good condition by the educational institution for a period of at least three years following the termination of such enrollment period.

(2) The records to be retained shall include, but not necessarily be limited to any of the following information that does not appear on permanently filed transcripts:

- (a) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students.
- (b) Records of previous education or training of students at the time of admission and records of credit, if any, granted by the institution at the time of admission, with the student so notified.
- (c) Records of the student's grades and progress.
- (d) Individual instructor's class records.
- (e) Records of interruption for unsatisfactory progress or conduct.
- (f) Records of refunds of tuition, fees, and other charges made to the student.

(3) Institutions shall maintain and have available for inspection for a period of twelve months following their use complete records and copies of all advertising, sales, and enrollment materials used by or on behalf of the institution.

(4) If any educational institution proposes to discontinue its operation, the chief administrative officer of the institution shall file with the council the original or legible true copies of all such information as is customarily required by colleges when considering students for transfer or advanced study, including but not necessarily limited to all records required in WAC 250-55-110(2) and 250-55-120(1). In the event it appears to the council that any such records of an educational institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the council, the council may seek a court order to protect and, if necessary, take possession of the records.

**NEW SECTION**

**WAC 250-55-130 FINANCIAL STABILITY.** The institution shall be financially sound and capable of meeting its legal financial obligations and fulfilling its commitments to students, as attested to at the time of registration and renewal of registration by an independent licensed accountant.

**NEW SECTION**

**WAC 250-55-140 ADVERTISING.** (1) Statements about the institution shall be completely truthful and factual and shall avoid creating any misleading, false, or exaggerated impression, either by inclusion, omission, or intimation.

(2) An institution may not advertise or publicize that it is approved, recommended, or endorsed in any way by the Council for Postsecondary Education, except for the catalog statement required under WAC 250-55-100(3).

**NEW SECTION**

**WAC 250-55-150 ENROLLMENT.** (1) When a student enrolls for a course of instruction, the institution shall comply with the following requirements:

- (a) The institution shall not require payment for tuition or any other fees in excess of \$100 more than thirty days in advance of the first day of instruction.
- (b) The institution shall not collect tuition and fees for more than one calendar year at a time.
- (c) Upon payment, the institution shall provide the student with a receipt or voucher for all tuition and fees collected.
- (d) Prior to enrollment or before tuition and fees are collected, whichever is earlier, the institution shall provide the student with all the information specified in WAC 250-55-150.
- (2) If the institution employs a formal enrollment agreement or contract, this document shall contain at least the following information:
  - (a) The title, identifying the document as a contract or agreement.
  - (b) The name and address of the institution.
  - (c) The course or program for which the student is enrolling, as identified in the catalog.

(d) The approximate time required to complete the course, specified in weeks, months, or years of full- or part-time study.

(e) The type of credential the student will receive upon successful completion of the course or program.

(f) An enumeration of all costs involved in completion of the program, together with an explanation of the method and terms of payment.

(g) The starting date of the course or program.

(h) Grounds for termination of the student by the school prior to completion of the course or program.

(i) Methods and conditions under which the student may voluntarily terminate enrollment.

(j) A detailed refund policy, as specified in WAC 250-55-160.

(k) An effective date, which shall not precede the date on which all parties to the contract have signed the document.

(l) An acknowledgement that all signers have read and received a copy of the contract.

(m) An enumeration of any other conditions, circumstances, or qualifications that may be imposed by the school.

(n) If contracts or promissory notes may be sold, discounted, or otherwise transferred, an authorization from the applicant (and financial sponsors, if any), together with a statement that the refund policy shall continue to apply.

(o) A notification that, in addition to any other legal remedies in the event of any dispute concerning the terms of the contract, either party may seek resolution of the dispute by consulting the executive coordinator of the Council for Postsecondary Education or the Attorney General of the state of Washington.

**NEW SECTION**

**WAC 250-55-160 MINIMUM CANCELLATION AND REFUND POLICY.** (1) Each institution registered under this chapter shall publish its cancellation and refund policies in clear language that can be easily understood. The policies shall apply to all terminations, for any reason, by either party.

(2) The refund policy for resident institutions shall, as a minimum, comply with the following requirements:

(a) An applicant rejected by the institution shall be entitled to a refund of all money, less any standard application fee, not to exceed \$25.

(b) All money paid by an applicant, less an application fee not to exceed \$25, shall be refunded to the applicant if requested in any manner within six days after signing an enrollment agreement or making an initial payment, whichever comes later.

(c) If the applicant chooses to withdraw after the initial six day period but before the first day of instruction, the applicant shall be entitled to a refund of all moneys paid, less a maximum of ten percent of all tuition and fees paid, but in no event shall the institution retain more than \$100.

(d) Starting on the first day of classes and continuing through the first twenty-five percent of the period for which tuition and fees have been paid, the tuition charges retained by the institution shall not exceed twenty-five percent of the tuition and fees paid.

(e) After completion of more than twenty-five percent of the period for which tuition and fees have been paid, but prior to the completion of fifty percent of that period, the tuition charges retained by the institution shall not exceed fifty percent of the tuition and fees paid. Thereafter, the institution may retain one hundred percent of the tuition and fees paid.

(f) The termination date for refund computation purposes shall be the date on which the student initially requests cancellation, or the date on which the institution withdraws the student under subsection (2)(g) of this section. The school may require written affirmation of cancellation or withdrawal to be given by certified mail provided such requirement is stated in the catalog or enrollment agreement. The institution may require that such written affirmation be made by parent or guardian if the student is below legal age.

(g) If a student, without written notice or affirmation to proper institutional authorities, fails to attend classes for a period of thirty calendar days during which resident classes are in session, the institution shall officially withdraw the student from the program or course of instruction, effective the thirtieth calendar day, and refund tuition and fees according to its published refund policy.

(h) Percentage of course completion shall be computed on the basis of the number of hours or days of instruction completed as a percentage of the total hours or days in the period for which tuition and fees were collected.

(i) The refund policy shall pertain to all charges with the exception of charges for which the student has received complete materials during the period the student was actually enrolled.

(j) The institution shall provide an exact pro rata refund to the student for any arbitrary and unilateral change by the institution of scheduled times for course instruction, reduction of contracted training time, reduction of course content, or other actions that effectively reduce the ratio of training to course costs, if such a refund is requested by the student.

(k) Any money due the applicant or student shall be refunded within thirty days after written notice of cancellation or termination.

(3) For correspondence and home study schools, the following minimum refund policy shall pertain:

(a) An enrollment may be canceled by an applicant student within six days from the day on which an enrollment agreement is signed or the student submits tuition and fees to the institution, whichever is later. An applicant student requesting cancellation in whatever manner within this time shall be given a refund of all money paid to the institution or its representatives.

(b) From six days after the day on which the enrollment agreement is signed and until the time the institution receives the first completed lesson assignment from the student, upon cancellation, the institution is entitled to retain a registration fee of either \$25 or fifteen percent of the tuition up to \$100, whichever is less.

(c) After receipt of the first completed lesson assignment and up to and including the first ten percent of the course, if the student requests cancellation, the institution shall be entitled to retain the registration fee plus ten percent of the tuition.

(d) After completion of more than ten percent of the course and up to and including completion of twenty-five percent of the course, the institution shall be entitled to retain the registration fee plus twenty-five percent of the tuition.

(e) After completion of more than twenty-five percent of the course and up to and including completion of fifty percent of the course, the institution is entitled to retain the registration fee plus fifty percent of the tuition.

(f) After completion of more than fifty percent of the course, the institution is entitled to retain the full tuition.

(g) The amount of the course completed shall be the number of completed lesson assignments received by the institution as a percentage of the total lesson assignments in the course.

(h) Upon written notice of cancellation, all money due the student shall be refunded within thirty days.

#### NEW SECTION

WAC 250-55-170 NONDISCRIMINATION. The institution shall not discriminate on the basis of race, religion, sex, handicap, or national origin as prohibited by state or federal law.

#### NEW SECTION

WAC 250-55-180 DUTIES OF THE EXECUTIVE COORDINATOR. In addition to any other administrative responsibilities vested in the executive coordinator of the council under the act and this chapter, the executive coordinator shall carry out the following administrative responsibilities:

(1) Process all registration applications, fee payments, and bonds or security deposits, to include the issuance of certificates of registration, signed by the executive coordinator, under the provisions of WAC 250-55-040.

(2) Pay any unsatisfied final judgment against a registered institution, from the resources available through the institution's surety bond or other security deposit, under the provisions of section 11(3), chapter 188, Laws of 1979 first extraordinary session.

(3) Upon written notice from a registered institution, release the surety on the institution's bond, pursuant to section 11(4), chapter 188, Laws of 1979 first extraordinary session.

(4) Upon written notice from a registered institution, return the institution's security deposit under the provisions of section 11(3), chapter 188, Laws of 1979 first extraordinary session.

(5) In the event of impaired liability of the surety upon a bond under section 11(1), chapter 188, Laws of 1979 first extraordinary session, notify the institution of suspension of registration until the bond liability in the required amount, unimpaired by unsatisfied judgment claims, shall have been furnished.

(6) Establish and maintain all council records called for under the provisions of the act and this chapter.

#### NEW SECTION

WAC 250-55-190 APPEALS. Any dispute arising from the following actions shall require a hearing pursuant to WAC 250-55-210 and chapter 34.04 RCW:

(1) A denial of recognition of an accrediting agency or association under WAC 250-55-220.

(2) A denial of an exemption under WAC 250-55-030.

(3) A denial or revocation of a certificate of registration under WAC 250-55-040(6) or 250-55-090(4).

#### NEW SECTION

WAC 250-55-200 COMPLAINTS AND VIOLATIONS. (1) Upon receipt of a complaint or other evidence that an institution has failed or is failing to comply with the provisions of the act or this chapter, the executive coordinator shall notify the institution by mail of the nature of such allegations and shall investigate the facts surrounding the allegations.

(2) If preliminary findings indicate that a violation or violations may have occurred or are occurring, the executive coordinator shall attempt, through mediation and conciliation to effect compliance and, in the case of a complaint, bring about a settlement between the institution and the complainant.

(3) If no agreement is reached through the mediation and conciliation process, the executive coordinator shall file a formal complaint with the council and notify the institution of the conduct which warrants the complaint. Based upon a finding pursuant to RCW 34.04.170, the complaint may include an order for a summary suspension of registration, pending proceedings for revocation, suspension, or other action under the hearing procedure provided for in WAC 250-55-210.

#### NEW SECTION

WAC 250-55-210 HEARINGS. Any hearing called for under the act or WAC 250-55-190 and 250-55-200 shall be conducted in the following manner:

(1) The executive coordinator or a designated hearing officer shall conduct a hearing and make findings and conclusions in accordance with the Administrative Procedure Act, chapter 34.04 RCW. The findings, conclusions, and any recommendations for action shall be submitted to the council for final action pursuant to RCW 34.04.110.

(2) The council may accept or reject, in whole or in part, any recommendations made by the hearing officer, may remand for further findings and/or take any other action the council deems appropriate under the circumstances, pursuant to the provisions of the act and this chapter.

#### NEW SECTION

WAC 250-55-220 RECOGNITION OF ACCREDITING AGENCIES AND ASSOCIATIONS. (1) Any accrediting agency or association desiring recognition for the purposes of WAC 250-55-030(5) shall comply with the following standards:

(a) Scope of operations:

(i) The agency or association is national or regional in its scope of operations;

(ii) It clearly defines in its charter, bylaws, or accrediting standards the scope of its activities, including the geographical area and the types and levels of institutions or programs covered.

(b) Organization:

(i) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner;

(ii) It defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement;

(iii) Its fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process;

(iv) It uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with nondiscriminatory practices to participate on visiting evaluation teams; to engage in consultative services for the evaluation and accreditation process; and to serve on policy and decision-making bodies;

(v) It includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff;

(vi) It accredits institutions that are classified as primarily postsecondary, are properly chartered and licensed to operate, and offer instruction leading to degrees, diplomas, or certificates with educational validity.

(c) Procedures:

(i) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such accredited statuses;

(ii) If it has developed a preaccreditation status, it provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation;

(iii) It requires, as an integral part of its accrediting purposes, institutional or program self-analysis and an on-site review by a visiting team.

(iv) It requires that the self-analysis shall be a qualitative assessment of the strengths and limitations of the institution, including the achievement of institutional objectives, and shall involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(v) It provides written and consultative guidance to the institution or program and to the visiting team.

(vi) It publishes or otherwise makes publicly available the standards by which institutions are evaluated, the procedures utilized in arriving at decisions regarding the accreditation status of an institution, the current accreditation status of institutions and the date of the next currently scheduled review or reconsideration of accreditation, the names and affiliations of members of its policy and decision-making bodies and the name(s) of its principal administrative personnel, and a description of the ownership, control and type of legal organization of the agency or association;

(vii) It provides advance notice of proposed or revised standards to all persons, institutions, and organization significantly affected by its accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption;

(viii) Its purposes and objectives are clearly defined in its charter, bylaws, or accrediting standards.

(d) Responsiveness:

(i) The agency's or association's accreditation program takes into account the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions;

(ii) It includes representatives of the public in its policy and decision-making bodies, or in an advisory or consultative capacity that assures attention by the policy and decision-making bodies;

(iii) It has written procedures for the review of complaints pertaining to institutional or program quality, as these relate to the agency's standards, and demonstrates that such procedures are adequate to provide timely treatment of such complaints in a manner that is fair and equitable to the complainant and to the institution or program.

(e) Due process:

(i) The agency or association affords initial evaluation of the institution only when the chief executive officer of the institution applies for accreditation of the institution;

(ii) It provides for adequate discussion during an on-site visit between the visiting team and the faculty, administrative staff, students, and other appropriate persons;

(iii) It furnishes, as a result of an evaluation visit, a written report to the institution commenting on areas of strength, areas needing improvement and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution may not be in compliance with the agency's standards;

(iv) It provides the chief executive officer of the institution with an opportunity to comment upon the written report and to file supplemental materials pertinent to the facts and conclusions in the written report of the visiting team before the accrediting agency or association takes action on the report;

(v) It evaluates, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(vi) It provides for the withdrawal of accreditation only for cause, after review, or when the institution does not permit reevaluation, after due notice;

(vii) It provides the chief executive officer of the institution with a specific statement of reasons for any adverse accrediting action, and notice of the right to appeal such action;

(viii) It establishes and implements published rules of procedure regarding appeals which will provide for no change in the accreditation status of the institution pending disposition of an appeal; the right to a hearing before the appeal body; supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(f) Ethical practices: The agency or association has a demonstrated ability and willingness to foster ethical practices among the institutions which it accredits, including equitable student tuition refunds and nondiscriminatory practices in admissions and employment.

(g) Evaluation: The agency or association maintains a program of evaluation of its educational standards designed to assess their validity and reliability.

(h) Application of standards: The agency or association accredits only those institutions which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.

(i) Periodic review: The agency or association re-evaluates at reasonable intervals institutions which it has accredited.

(j) Specificity: The agency or association requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(k) Reliability:

(i) The agency or association demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluative criteria, procedures, and evaluation decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(ii) It has no less than two years' experience as an accrediting agency or association;

(iii) It reflects in the composition of its policy and decision-making bodies the community of interests directly affected by the scope of its accreditation.

(l) Autonomy:

(i) The agency or association performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

(ii) It provides in its operating procedures for protection against conflict of interest in the rendering of its judgments and decisions.

(2) Inclusion in the current list of accrediting agencies and associations recognized by the United States Office of Education may be accepted by the council as evidence of compliance with the standards established in subsection (1) of this section: **PROVIDED**, That the agency or association grants institutional accreditation, as defined in WAC 250-55-020(4): **AND PROVIDED FURTHER**, That the council may at any time require such additional evidence and make such additional investigation as in its judgment may be necessary to verify compliance with the standards in subsection (1) of this section for purposes of granting, denying, or discontinuing recognition of an accrediting agency or association under this chapter.

(3) The council shall maintain a list of those accrediting agencies and associations which are recognized by the council as meeting the requirements of this section.

**WSR 79-10-165**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF ECOLOGY  
[Memorandum—October 3, 1979]**

The State of Washington Department of Ecology gives notice of a public hearing to receive public comment on the proposed Padilla Bay Estuarine Sanctuary project. The public hearing is in accordance with 15 CFR §921.21 and section 315 of the Coastal Zone Management Act of 1972 as amended (Public Law 94-370).

The public hearing will be held to receive comments on Thursday, November 8, 1979 at 7:00 p.m. in Hearing Room "A" of the Skagit County Administration Building, 2nd and Kincaid Street, Mount Vernon, Washington.

Further information regarding this proposal may be obtained by contacting Mr. Milt Martin, Department of Ecology, Mail Stop PV-11, Olympia, Washington 98504 or telephone (206) 753-0882.

Written statements from those who are unable to attend the public hearing will be read into the hearing record if received by the department prior to November 7, 1979.

The hearing will remain open for additional written statements until November 15, 1979. All statements should be addressed to the Department of Ecology, Attention: Hearings Officer, Olympia, Washington 98504.

**WSR 79-10-166**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
[Order 143—Filed October 3, 1979]

Be it resolved by the Game Commission, State of Washington, acting at Wenatchee, Washington, that it does promulgate and adopt the annexed rules relating to WAC 232-16-070 Colockum Game Reserve.

This action is taken pursuant to Notice No. WSR 79-08-137 filed with the Code Reviser on August 1, 1979. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED October 1, 1979.

By Ralph W. Larson  
Director

AMENDATORY SECTION (Amending Order 9, filed 9/25/70)

WAC 232-16-070 COLOCKUM ((ARTHUR S. COFFIN)) GAME RESERVE. Colockum ((Arthur S. Coffin)) Game Reserve shall include those lands within the following described boundary: Beginning at the point where the Brewton road crosses the south line of Section 19, Twp. 20, N., R21E.W.M.; thence northwesterly along the Brewton road to the Colockum Pass road in Section 13, Twp. 20N., R.20E.; thence northerly on the Colockum Pass road to its junction with the Nanum Lookout road in Section 13, Twp. 20N., R.20E.; thence westerly along the Nanum Lookout road to where it crosses the Bonneville Power Line right-of-way in Section 16, Twp. 20N., R.20E.; thence southwestwardly along the power line to the Colockum Wildlife Recreation Area boundary on the south line of Section 20, Twp. 20N., R.20E.; thence easterly along the south line of

Sections 20, 21, 22, 23, 24, Twp. 20N., R.20E., and Section 19, Twp. 20N., R21E.W.M. to the Brewton road and the point of beginning.

**WSR 79-10-167**  
**PROPOSED RULES**  
**PARKS AND RECREATION COMMISSION**  
[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning equestrian traffic on the ocean beaches;

that such agency will at 9:00 a.m., Monday, November 19, 1979, in the Colonial Room of the Olympic Hotel, 4th and Seneca, Seattle, WA 98111, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, November 19, 1979, in the Colonial Room of the Olympic Hotel, 4th and Seneca, Seattle, WA 98111.

The authority under which these rules are proposed is RCW 43.51.040, 43.51.660 and 43.51.680.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 16, 1979, and/or orally at 9:00 a.m., Monday, November 19, 1979, in the Colonial Room of the Olympic Hotel, 4th and Seneca, Seattle, WA 98111.

Dated: October 3, 1979  
By: Robert C. Hargreaves  
Assistant Attorney General

AMENDATORY SECTION (Amending Order 13, filed April 19, 1972)

WAC 352-36-020 VEHICULAR ((AND EQUESTRIAN)) TRAFFIC — WHERE PERMITTED—GENERALLY. Subject to the restrictions set forth in subsequent sections of this chapter, and except at the point of intersection of any access road and the beach, the use of motor vehicles ((or the riding of horses)) on and along the ocean beaches shall be permitted only on that area between the extreme upper or landward limit of the hard sand area and the clam beds, and defined as the "driveable beach" in WAC 352-36-010(10). The operation, or parking, of any vehicle is prohibited above and on the landward side of the driveable beach. The provisions of this section shall not apply to official vehicles engaged in authorized law enforcement, maintenance or sanitary patrol activities or emergency vehicles while engaged in the performance of any necessary service.

NEW SECTION

WAC 352-36-025 EQUESTRIAN TRAFFIC. (1) Equestrian traffic shall be permitted on and along the ocean beaches within the seashore conservation area year round except where prohibited by this rule or other provision of statute or rule.

(2) Equestrian traffic shall be permitted only on that area between the extreme upper and landward limit of the hard sand area and the clam beds.

(3) Equestrian access shall be permitted at the point of intersection of any access road and the beach or any equestrian trail designated by the Commission. Upland owners shall also be allowed equestrian access to and from their property, except for commercial purposes.

(4) Within the seashore conservation area, equestrian traffic shall yield the right-of-way to all pedestrian or vehicular traffic.

(5) Horses shall be ridden at a walk or led through areas of heavy pedestrian concentration.



**WSR 79-10-168**  
**PROPOSED RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 [Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Educational clinics—Definitions, initial diagnostic procedures, and enrollment and absences;

that such agency will at 9:00 a.m., Wednesday, November 7, 1979, in the Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, November 9, 1979, in the Old Capitol Building, Second Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.97.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 9:00 a.m., Wednesday, November 7, 1979, Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia, Washington.

Dated: October 3, 1979

By: Frank B. Brouillet  
 Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 1-78, filed 2/6/78)

**WAC 392-185-010 DEFINITIONS.** The following definitions shall apply to terms used in this chapter:

(1) The terms, "educational clinic," "basic academic skills," "a clinical-client centered basis," "individual diagnostic procedures," "general educational development tests," "educational gains," and "employment orientation," as defined in WAC 180-95-010 as adopted or hereafter amended shall apply to the provisions of this chapter.

(2) (~~"Eligible common school dropout" shall mean a child who is under 18 years of age, and who leaves a common school before high school graduation without transferring to another school at such time as he or she terminates. PROVIDED, That the child has not attended a duly constituted common school for a period of at least three consecutive months of a school year or years unless: (a) a certificated educational clinic has been requested to admit such a child by written communication of the board of directors or superintendent of the common school district in which the child is a resident, or (b) the child has been expelled or suspended pursuant to chapter 180-40 WAC. PROVIDED FURTHER, A child who has not completed the ninth grade and is otherwise subject to the compulsory school attendance law, chapter 28A.27 RCW, is not qualified as an "eligible common school dropout" within the meaning of this chapter unless the principal, head teacher, or similar school official states in writing that the child may attend a certified educational clinic.)) An "eligible common school dropout" shall mean a person who (a) has not completed high school; (b) has reached his or her thirteenth birthday and not attained his or her twentieth birthday; (c) does not show proficiency beyond the high school level in a test approved by the superintendent of public instruction which has been given as a part of the initial diagnostic procedure; and (d) has dropped out of a common school for at least one month and written verification is received from a school official of the common school last attended stating that such person is no longer in attendance at such school unless (i) the board of directors or its designee submits a written request that such person be admitted, or (ii) the person has been expelled or suspended pursuant to chapter 180-40 WAC. The fact that any person may be subject to the compulsory attendance law, chapter 28A.27 RCW, shall not affect his or her qualifications as an eligible common school dropout under this chapter.~~

In addition, to qualify as an "eligible common school dropout" a child must have on file with the appropriate certified educational clinic

a written waiver allowing the superintendent of public instruction to examine his or her records at the certified educational clinic at any time and for purposes consistent with the intent of this chapter and chapter 180-95 WAC.

(3) "Class size" is defined to be that number of students assigned to a single certificated teacher during the period of time for which reimbursement is requested regardless of whether or not the students are working on similar courses, subjects, or activities.

**AMENDATORY SECTION** (Amending Order 1-78, filed 2/6/78)

**WAC 392-185-040 INITIAL DIAGNOSTIC PROCEDURE—FEES AND RECORDS.** (1) For each initial diagnosis completed for an eligible student applicant, a certified educational clinic, consistent with the terms of its contract with the superintendent of public instruction, shall be entitled to a fee of not more than fifty dollars per eligible student: PROVIDED, That the administration of any general education development test shall not be a part of such initial diagnostic procedures.

(2) A written record of the initial diagnostic process for each student served shall be available. This record shall include, but not be limited to: (a) a transcript of the student's previous academic history when available; (b) a description of the assessment processes used to determine ability, achievement, interest and aptitudes; (c) a summary of all diagnostic findings; and (d) a listing of the specific instructional objectives and program placement recommendations.

(3) The records of each student shall be signed and dated by the qualified person(s) conducting the diagnosis and making program recommendations.

(4) The records shall be completed prior to student admission to educational clinic classes for which state reimbursement for costs is sought under this chapter.

~~((5) For all students 17 years or older, the initial diagnostic procedure shall include the administration of the General Educational Development Tests. Any such student who completes the GED tests at a level to qualify for a certificate of educational competence according to RCW 41.04.015 shall not be eligible for reimbursement for instruction in basic academic skills in those areas in which he or she scores a standard score of 45 or above, pursuant to chapter 28A.97 RCW and this chapter.))~~

**AMENDATORY SECTION** (Amending Order 1-78, filed 2/6/78)

**WAC 392-185-090 ENROLLMENT AND ABSENCES.** (~~The superintendent of public instruction shall reimburse certified educational clinics under contract with the superintendent of public instruction for eligible common school dropouts for absences, but after three consecutive absences or two unexcused absences in any one week, the student's enrollment will be terminated and no further fees will be payable.)) Student records shall include entry and withdrawal dates. No reimbursement shall be made for students who are absent: PROVIDED, That students may be reenrolled at any time. (-PROVIDED FURTHER, That written records with excuses are available for review. AND PROVIDED FURTHER, That student records include entry and withdrawal dates).~~

**WSR 79-10-169**  
**PROPOSED RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 [Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the definition, eligibility criteria and exceptions to eligibility criteria for students with specific learning disabilities;

that such agency will at 9:00 a.m., Wednesday, November 7, 1979, in the Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, November 9, 1979, in the Old Capitol Building, Second Floor, Executive Services Conference Room, Olympia.

The authority under which these rules are proposed is RCW 28A.13.010 and 28A.13.070(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 9:00 a.m., Wednesday, November 7, 1979, Old Capital Building, Fourth Floor, Washington and Legion Way, Olympia, Washington.

Dated: October 3, 1979

By: Frank B. Broulett  
Superintendent of Public Instruction

#### AMENDATORY SECTION (Order 11-78, filed 10/31/78)

WAC 392-171-350 SPECIFIC LEARNING( (/LANGUAGE)) DISABILITY—DEFINITION. Specific learning( (/language)) disability is a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language resulting from perceptual-motor handicaps. Such disorder may include problems in visual and auditory perception and integration which may manifest itself in an impaired ability to think, speak or communicate clearly, read with comprehension, write legibly and with meaning, spell accurately, and to perform mathematical calculations, including those involving reading. The presence of a specific learning( (/language)) disability is indicated by near average, average, or above average intellectual ability, but nonetheless the student demonstrates significant performance deficits in one or more of the following academic achievement areas:

- (1) Oral expression;
- (2) Listening comprehension;
- (3) Written expression;
- (4) Basic reading skill;
- (5) Reading comprehension;
- (6) Mathematics calculations; and
- (7) Mathematics reasoning;

PROVIDED, That such a performance deficit cannot be explained by visual or hearing problems, motor handicaps, mental retardation, a behavioral disability, or an environmental, cultural, or economic disadvantage.

A specific learning( (/language)) disability includes conditions described as perceptual handicap, minimal brain dysfunction, dyslexia, and developmental aphasia: PROVIDED, That the student meets the eligibility criteria set forth in WAC 392-171-355 and 356.

#### AMENDATORY SECTION (Amending Order 11-78, filed 10/31/78)

WAC 392-171-355 SPECIFIC LEARNING( (/LANGUAGE)) DISABILITY—ELIGIBILITY CRITERIA. ((Each of the three conditions that follow must be met in order for a student to be eligible for inclusion in learning/language disability programs paid for by state or federal excess cost funds:

(1) The student shall have significant deficits in visual and/or auditory functioning (including discrimination, memory, and integrations in visual-auditory and/or motor functioning); PROVIDED, That neither the visual nor the auditory deficit is required as a condition to the eligibility of secondary students. These perceptual/cognitive deficits shall be verified by an assessment which shows a delay of one year or more at or below the first and second grade levels, a two year or more delay at the third and fourth grade levels, and a three year or more delay at the fifth grade level and beyond and/or a score of 2 standard deviations below the mean in one or more of the following areas:

- (a) Visual processing:
  - (i) perception (discrimination and closure);
  - (ii) memory;
  - (iii) association; and
  - (iv) integration;
- (b) Auditory processing:
  - (i) perception (discrimination and closure);
  - (ii) memory;

- (iii) association; and
- (iv) integration;
- (c) Haptic processing:
  - (i) kinesthetic; and
  - (ii) tactile;
- (d) Language:
  - (i) reception; and
  - (ii) expression;
- (e) Sensory integration/association:
  - (i) visual-motor;
  - (ii) visual-auditory (vocal);
  - (iii) auditory-motor; and
  - (iv) auditory-vocal;

(2) The student shall have significant deficits in one or more of the following areas as verified by administering one or more tests designed to measure such skills:

- (a) Oral expression;
- (b) Listening comprehension;
- (c) Written expression;
- (d) Basic reading skill;
- (e) Reading comprehension;
- (f) Mathematics calculations; and
- (g) Mathematics reasoning;

A significant deficit is indicated by test scores showing that the student is one year or more below his or her potential at or below the first and second grade levels, two years or more below at the third and fourth grade levels, and three years or more below at or beyond the fifth grade level: PROVIDED, That a student shall be eligible for special education and related services only with respect to the area or areas in which the student functions below the minimum grade level:

(3) The student does not qualify for placement in any other disability category set forth in this chapter.))

Assessment procedures and eligibility standards: All students considered for initial or continued placement in special education as specific learning disabled shall be assessed by a multidisciplinary team and shall be deemed eligible for placement in a special education program in accordance with the following procedures and criteria:

(1) A current assessment of intellectual functioning shall be obtained from a standardized individual test designed to measure intellectual functioning, individually administered and interpreted by a qualified psychologist and attested to as to validity. The measured level of intellectual functioning must be near normal or above, which for purposes of these rules is defined as an intelligence quotient over 75; and

(2) A current assessment of level of academic achievement as measured by standardized tests appropriate to age level and administered individually. Measures by a least two instruments shall be obtained. The student's Chronological Age/Grade (CAG) performance in one or more of the academic achievement areas provided for in the definition shall be adjusted for expectations due to variance in intellectual functioning. The expected performance adjusted for Mental Age (MA) shall then be compared to the results of the actual achievement measures, the results of which must yield:

(a) A functioning level of two-thirds or below of expected performance; and

(b) A functioning level below chronological age/grade. Those students unable to score within test norms on standardized academic achievement measures shall be assessed using individually administered standardized school readiness tests, professionally recognized developmental scales, and

(3) A current assessment of perceptual, perceptual-motor or language functioning shall be obtained, the results of which show a deficit of greater than or equal to 1 1/2 standard deviations below the mean in one or more of the following:

- (a) Visual processing:
  - (i) discrimination; or
  - (ii) memory; or
  - (iii) sequencing; or
  - (iv) integration;
- (b) Auditory processing:
  - (i) discrimination; or
  - (ii) memory; or
  - (iii) sequencing; or
  - (iv) integration;
- (c) Haptic processing:
  - (i) kinesthetic; or
  - (ii) tactile;

(d) Sensory integration/association;

- (i) visual-motor; or
- (ii) visual-auditory; or
- (iii) auditory-motor; or
- (iv) receptive language; or
- (v) expressive language.

For students whose chronological age placement is seventh grade or above, evidence of a perceptual deficit documented during the student's school career may replace a perceptual reassessment; and

(4) A current psychological assessment which considers and describes the student's social and emotional circumstances and which provides any implications for educational planning shall be obtained. This assessment shall be of sufficient scope to rule out serious emotional disturbance environment cultural background or economic disadvantage as an explanation for academic delay; and

(5) A current vision and hearing screening report shall be obtained; and

(6) A written record of observation and measurement of the student's academic performance and classroom behavior in the regular classroom shall be made by a member of the assessment team other than the regular classroom shall be made by a member of the assessment team other than the regular classroom teacher pursuant to WAC 392-171-410.

(7) The results of the intellectual, achievement and and perceptual/language measures along with the psychological assessment and the vision and hearing screening and classroom observation shall be reviewed by the multidisciplinary team. The multidisciplinary team shall prepare a written report of the results of the assessment pursuant to WAC 392-171-415.

NEW SECTION

WAC 392-171-356 SPECIFIC LEARNING DISABILITY—EXCEPTIONS TO GENERAL ELIGIBILITY CRITERIA. Where the results of the intellectual, academic, or perceptual/language measures provided for in WAC 392-171-355 do not document a specific learning disability, the multidisciplinary team, when it is deemed advisable by the team, may deviate from the criteria set forth in WAC 392-171-355 within the standard error of measurement of the selected assessment instrument(s) and determine the appropriateness of placement in a special education program: **PROVIDED**, That once the required assessment procedures are concluded, the assessment team shall prepare a written report which identifies the degree to which the assessment findings deviate from the criteria, describes the student's specific learning disability as evidence by the assessment findings and any implications for educational planning. The written report shall also address all requirements stated in WAC 392-171-415, and be signed by the school district superintendent or his/her designee. Students placed under these conditions shall be reassessed annually to determine their need for special education and shall be funded for state excess cost purposes at a student to teacher ratio of 35 to 1.

**WSR 79-10-170****PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Inservice training programs—Application for funding;

that such agency will at 9:00 a.m., Wednesday, November 7, 1979, in the Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, November 9, 1979, in the Old Capitol Building, Second Floor, Executive Services Conference Room, Olympia, Washington.

The authority under which these rules are proposed is RCW 28A.71.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 9:00 a.m., Wednesday, November 7, 1979, Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia.

Dated: October 3, 1979

By: Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 78-7, filed 9/6/78)

WAC 392-195-015 APPLICATION FOR FUNDING. Applicants shall request funds from the superintendent of public instruction in accordance with the provisions set forth below:

(1) Applicants shall conduct a needs assessment.

(2) The board of an applicant shall appoint an advisory in-service training task force of ~~((at least thirteen))~~ members comprised of representatives from administrators, building principals, teachers, classified and support personnel employed by the applicant, an institution of higher education and the general public ~~((-PROVIDED, That not less than sixty percent of the representatives shall be representatives of the general public who are not employed by the applicant))~~ in such numbers as shall be established by the applicant board of directors.

(3) The applicant shall establish written goals and objectives, identify training activities relevant thereto and design evaluation procedures and criteria which assess the degree and level of attainment of the goals and objectives.

(4) The task force shall review applications submitted pursuant to this chapter and suggest changes, if any, in direction, focus, or evaluation methods. No application will be accepted which is not approved by a majority vote of the task force.

(5) Nonpublic school personnel may be invited to participate in continuing professional development activities by the applicant.

(6) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant.

**WSR 79-10-171****PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning the repeal of chapter 392-147 WAC which governs safe walkways to and from school;

that such agency will at 9:00 a.m., Wednesday, November 7, 1979, in the Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, November 9, 1979, in the Old Capitol Building, Second Floor, Executive Services Conference Room, Olympia.

The authority under which these rules are proposed is RCW 28A.24.080 and the repeal of 28A.24.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 9:00 a.m., Wednesday, November 7, 1979, Old Capitol

Building, Fourth Floor, Washington and Legion Way, Olympia.

Dated October 3, 1979

By: Frank B. Brouillett  
Superintendent of Public Instruction

#### REPEALER

The following sections of chapter 392-147 WAC entitled Transportation—Safe Walkways To And From School are hereby repealed:

WAC 392-147-010	Reimbursement by the state.
WAC 392-147-015	Prior approval by county transportation commission required.
WAC 392-147-020	Report of transportation commission.
WAC 392-147-025	Form T-20 required.
WAC 392-147-030	Form T-20.
WAC 392-147-035	Application for state reimbursement for safe walkway construction.

### WSR 79-10-172

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning specifications for school buses, chapter 392-143 WAC;

that such agency will at 9:00 a.m., Wednesday, November 7, 1979, in the Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, November 9, 1979, in the Old Capitol Building, Second Floor, Executive Services Conference Room, Olympia.

The authority under which these rules are proposed is RCW 46.61.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 9:00 a.m., Wednesday, November 7, 1979, (Same as Above).

Dated: October 3, 1979

By: Frank B. Brouillett  
Superintendent of Public Instruction

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

**WAC 392-143-005 PURPOSES.** The purposes of this chapter are to implement RCW 46.61.380 and establish the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school children (students). The provisions of this chapter, including the school bus specifications provided for in WAC 392-143-015 and 392-143-020, shall be incorporated by express reference into all school district contracts for the transportation of common school students in privately owned and operated school buses.

#### AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77)

**WAC 392-143-010 DEFINITIONS.** As used in this chapter and subject to the Specifications for School Buses, as now or hereafter established by the superintendent of public instruction, the term: (1) "School bus" shall mean every vehicle with a seating capacity of eleven ((+)) or more ((passengers)) persons used regularly to transport

children to and from school or in connection with school activities: PROVIDED, That the term school bus shall not include buses operated by common carriers in urban transportation of students.

(2) "Type I school bus" shall mean any school bus manufactured as 96 inches in width and which provides at least 72 inches of headroom.

(3) "Type II school bus" shall mean any school bus having less width and/or height than required for a Type I school bus: PROVIDED, That a Type II school bus shall contain not more than six ((6)) rows of seats on the left side and five ((5)) rows of seats on the right side of the school bus each placed with standard seat spacing.

(4) "Conversion school bus" shall mean any vehicle originally manufactured for service other than use as a school bus which has been converted to use as a school bus: PROVIDED, That a conversion school bus shall contain not more than five ((5)) rows of two plus two seating with standard seat spacing.

(5) "School bus to transport exceptional children" shall mean any Type I, Type II, or conversion school bus as defined in this section which has been modified to transport handicapped students.

#### AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77)

**WAC 392-143-070 ALL VEHICLES OTHER THAN SCHOOL BUSES USED TO TRANSPORT STUDENTS.** All other vehicles ten ((+10 passengers)) persons or less shall not be required to meet school bus specifications, but if used regularly to transport children to and from school or in connection with school activities, must carry the approved first aid kit, fire extinguisher and highway warning kit for school buses and must meet the semiannual safety inspection requirements, conducted by the Washington state patrol, for vehicle condition.

Students, while being transported in any vehicle used in to and from school transportation and school activities, shall share the same compartment and be provided the same general safety and comfort as the driver.

#### AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77)

**WAC 392-143-075 AMENDMENT AND WAIVER PROCESS.** Requests for amendments and permanent or temporary waivers of the School Bus Specifications and Modes of Operation published by the superintendent of public instruction must be submitted in writing to the assistant superintendent for financial services, who shall then advise the superintendent of public instruction who shall make the final determination. Such requests for amendments and waivers shall contain the following:

(1) A list of all requested deviations;

(2) The rationale for the requested deviations;

(3) The type and passenger capacity of the vehicle. Such requests shall first be brought before an ad hoc technical advisory committee provided for in RCW 46.61.380 which shall advise the assistant superintendent for financial services. This ad hoc technical advisory committee shall consist of a designee of the superintendent of public instruction, a designee of the chief of the Washington state patrol and a representative from the state highway commission. It shall also be a function of this ad hoc technical advisory committee to provide assistance with the periodic changes in chapter 392-143 WAC and chapter 392-145 WAC when requested to do so by the assistant superintendent for financial services.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 392-143-045 APPEAL FOR EXCEPTION SCHOOL BUS.**

### WSR 79-10-173

#### PROPOSED RULES

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal

rules concerning school bus operation rules, chapter 392-145 WAC;

that such agency will at 9:00 a.m., Wednesday, November 7, 1979, in the Old Capitol Building, Fourth Floor, Washington and Legion Way, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Friday, November 9, 1979, in the Old Capitol Building, Second Floor, Executive Services Conference Room, Olympia.

The authority under which these rules are proposed is RCW 46.61.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 7, 1979, and/or orally at 9:00 a.m., Wednesday, November 7, 1979, Same as above.

Dated: October 3, 1979

By: Frank B. Brouillet  
Superintendent of Public Instruction

**AMENDATORY SECTION** (Amending Order 5-76, filed 4/16/76)

**WAC 392-145-010 SEATING AND SEATBELT REQUIREMENTS.** (1) No school bus shall be operated (~~subsequent to July 1, 1976~~) unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each such passenger: PROVIDED, That this requirement may be waived by the superintendent of public instruction pursuant to a petition filed by a school district. Said petition shall (a) set forth the justification or necessity for allowance of standees, (b) a description of the nature and length of the routes in connection with which a waiver is requested, (c) the number of passengers which will be required to stand, and (d) a plan adopted by the board of directors of the school district for provision of sufficient seating and the elimination of standees which includes the time schedule and means of accomplishing the same.

(2) There shall be no auxiliary seating accommodations such as temporary or folding jump seats in any school bus.

(3) Drivers of school buses shall be required to wear seat and/or lap belts whenever the vehicle is in motion.

(4) Passengers in (~~Type H (16 passenger or less)~~) school buses equipped with lap belts shall be required to wear them whenever the bus is in motion.

**AMENDATORY SECTION** (Amending Order 19-76, filed 12/31/76)

**WAC 392-145-030 ADDITIONAL RULES FOR SCHOOL BUS DRIVERS.** (1) All school buses shall stop at all railroad crossings except:

(a) Where traffic is controlled by a police officer or duly authorized flagman;

(b) Where traffic is regulated by a traffic control signal;

(c) Where traffic is protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Where an official traffic control device gives notice that the stopping requirements do not apply.

(2) The driver shall open the door to listen for approaching trains and shall not proceed until the door is closed, visibility is clear, and the bus can proceed with safety. Drivers shall not change gears while the bus is crossing a railroad track.

(3) No bus shall stop on a curve or a hill where visibility is not at least 800 feet. If it is impossible to secure a distance of at least 800 feet for a bus stop, the school authorities and state patrol shall be advised and the stop shall be changed or proper signs installed. Exception: within areas of posted speed limits of 35 miles per hour or less, visibility of 300 feet is permissible.

(4) All changes in the direction of a school bus shall be indicated by the use of electrical directional signals on the bus. A right directional signal shall be used to indicate that the bus is going to pull off the roadway.

(5) No school bus shall pull over to the left-hand side of the road to load or unload.

(6) The stop sign on the left side of a school bus shall not be used to indicate that the bus is going to stop. The stop sign and red flashing lamps shall be displayed at all times a school bus is receiving or discharging passengers except:

(a) When passengers do not have to cross a highway and the bus is stopped completely off the traveled portion of the roadway, or

(b) When a school bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic signal, or

(c) When a school bus is stopped upon school grounds for the purpose of receiving or discharging passengers, and passengers are not required to cross the roadway.

(7) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed.

(8) In order to lessen the potential for collisions, school bus drivers may use 4-way hazard warning lights within 500 feet prior to stopping for a railroad crossing or where a special hazard exists such as dense traffic conditions, adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure may be used only on buses equipped with amber 4-way hazard warning lights on the front and rear of the school bus.

**WSR 79-10-174**

**EMERGENCY RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 6-79—Filed October 3, 1979]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to limitation of dollar amount of school district excess general fund property tax levies.

I, Frank B. Brouillet, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the 1979 legislature enacted chapter 172, 1st ex. sess., RCW 84.52.020 requires boards of directors of first class school district and superintendents of educational service districts acting in behalf of second class school districts to make and file with the county commissioners certified estimates or budgets' for the purpose of levying district taxes, such filing to occur on or before the Wednesday next following the first Monday in October in each year. This agency must give notice of the maximum dollar amount of school district excess levies to school districts and county assessors in sufficient time for the certification to take place and the rates to be calculated, in no case later than October 1 for 1979 taxes which will be levied and collected in calendar 1980.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 84.52-.0531 and chapter 172, Laws of 1979 1st ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as

appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED August 14, 1979.

By Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 13-78, filed 12/8/78)

WAC 392-139-010 ESTABLISHMENT OF THE MAXIMUM DOLLAR AMOUNT OF SCHOOL DISTRICT LEVIES. (1) Notwithstanding such larger dollar amount as may be approved by the electorate of a school district pursuant to RCW 84.52.053, the maximum dollar amount which may be levied and collected by or for any school district for maintenance and operation support in a given tax year or in a given school year, as the case may be, shall be established annually as follows:

(a) Only figures and data gathered and approved by the superintendent of public instruction, or his or her designee, shall be used.

(b) Approved current information and data shall be applied to Schedules I, II, III, IV, V and VI of the Form F-780 as set forth in WAC 392-139-020 through 392-139-045, for any given tax year or in a given school year, as the case may be, in order to compute the permissible dollar amount that may be levied by or for a school district.

(c) The official maximum dollar amount for a given tax year shall be the amount computed by the superintendent of public instruction, or his or her designee, as of the September immediately preceding the tax year of collection.

(d) Notice of the amount for each school district arrived at pursuant to this section shall be provided to each affected school district (and), county assessor and county auditor prior to October 1 of each year.

(2) The superintendent of public instruction, or his or her designee, shall annually provide all districts with the appropriate calculation procedures for the purposes of this section.

AMENDATORY SECTION (Amending Order 13-78, filed 12/8/78)

WAC 392-139-015 DEFINITIONS. As used in WAC 392-139-020 through 392-139-045 the term:

(1) "Accounts 1000(~~(-1030, 1040))~~ and 3170" shall mean accounts as designated in F-195 (school district annual budget) approved by the superintendent of public instruction: Account 1000—total local property tax revenue(~~(-Account 1030—local property taxes collected from excess levies, Account 1040—joint district local property taxes collected from excess levies,))~~) and Account 3170—timber excise tax Fund A.

(2) "County assessor's report" shall mean the report completed by county assessors each year depicting the basic assessed valuation, regular levy senior citizen exemption, one hundred percent timber roll, special levy senior citizen exemption, and total assessed valuation data for individual school districts. County assessors provide these data annually to the superintendent of

public instruction via Report 1038S. The data are used to determine the prior year's calendar year collection of the timber roll tax in the Form F-780, Schedule I.

(3) "County treasurer's statements" shall mean the financial statements for September through August issued to the school districts by the county treasurers (~~(in August))~~ by the seventh day of each month pursuant to RCW 28A.48.100(5). (~~(Current data concerning))~~ The annual amount of general fund (~~(consisting of beginning and ending cash balances, investment income and expenditure, warrants outstanding, revenues credited to the various accounts and the current balance of the general fund))~~ revenue from the sources enumerated in subsection (1) of this section shall be ~~((the))~~ that data ~~((source))~~ used ~~((to determine))~~ for the prior year's levy and timber tax collections in the determination of comparable dollars per annual average full-time equivalent student for calculating a school district's additional levy authority (Form F-780, Schedule II).

(4) "F-195" (the budget for fiscal year 19... ) shall mean the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each fiscal year (~~(s-operations))~~). The data contained in the budget pertaining to ~~((estimated funds constituting))~~ the estimated amount of ~~((guaranteed revenues from various state and local sources))~~ basic education allocation, estimated full-time equivalent students enrolled in grades K-12 and secondary vocational education programs for both the prior and current fiscal year, reported separately, and ~~((special))~~ excess levy revenues calculated to be collected during the ~~((budget))~~ current fiscal year are used to calculate the additional levy authority (~~(-estimated current year basic education funding, and staff unit calculations for small schools))~~ in the Form F-780, Schedules II, IV, V and VI.

(5) "R-1789" (~~((actual and recognized apportionment, budget and levy planning))~~ Supplemental Certificated Salary Data for ~~((certificated personnel))~~ 19... Budget Preparation) shall mean the report containing those salary data ~~((reported))~~ and increase percentages which will be used by school districts ~~((as of October first of each year to the superintendent of public instruction in the certificated personnel report (Form S-275;))~~) and displayed as average district salaries recognized ~~((for special))~~ in the excess levy calculations for the purposes ~~((as required by))~~ of RCW 84.52.053. These salary data shall be used to calculate the basic levy limitation and additional levy authority, Schedules III and IV, Form F-780, for each school district. ~~((These data are reported for a three-year period in Report 1789 by the superintendent of public instruction;))~~ These data shall be used in conjunction with the staff mix factor table referenced in chapter 270, section 101(3), Laws of 1979 1st ex. sess. as interpreted by the superintendent of public instruction.

(6) "R-1790" (~~((actual and recognized apportionment, budget and levy planning salary data for classified personnel))~~ Classified Salary Data for use in 19... Budget Preparation) shall mean the report containing the salary data ~~((of the same description and use as in~~

subsection (5) of this section except for classified personnel as reported by school districts as of November first in the classified personnel report (Form S-277)) which will be used by each district in excess levy planning and budget preparation for calculating the classified staff compensation entitlement. ((The three-year average salary data is contained in Report 1790 by the superintendent of public instruction.)) The appropriate increase percentages will be provided by the superintendent of public instruction pursuant to applicable legislation.

(7) "R-1191" (estimated funding required to guarantee . . . . percent of formula support for 19. . . . school year ((Account 3010))) shall mean the report which provides the final number of basic education and formula derived certificated and classified staff units, the computed compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time equivalent student, and the computed amount of ((state-funded)) guaranteed support ((and any final adjustments made for the current school year)) for each school district for the prior school year. These data are used to calculate the basic levy limitation amount for calendar year collections (SPI Form F-780, Schedule I) and for calculating the additional levy authority amount (SPI Form F-780, Schedule II) for calendar year collections. These data are contained in the August Report 1191 prepared annually by the superintendent of public instruction.

(8) "R-1191E" (full-time enrollments used to calculate staff units) shall mean the report containing the number of ((basic certificated, formula certificated and formula classified staff units computed on the basis of the number of)) students enrolled in a school district, as reported by the district, including part-time public school students from private schools, converted to full-time equivalent students (FTE) and the number of basic certificated, formula certificated, and formula classified units, computed from such enrollment. The enrollment data are reported for each of the following grade levels: Kindergarten, grades 1-6, 7-8, and 9-12, excluding secondary vocational students((-)), and vocational FTE students ((are)) reported separately for enrollees from private and public schools. The staff unit calculations also provide for the number of certificated units allowed due to a significant decrease in student enrollment as provided in the biennial appropriations acts. These data are contained in the August Report 1191E prepared by the superintendent of public instruction. These data are used for various calculations in Form F-780, Schedules II, III, V and VI.

(9) "Spring tax collection percentage" shall mean the percentage of the total maintenance and operation levy of a district for the tax year represented by the spring tax collection. This data is derived from county treasurer's reports and set forth in a special report prepared by the superintendent of public instruction each year. The data are used in calculating the ((current year's)) additional levy authority amount, Schedule II, Form F-780, for each local school district.

(10) "Fall collection percentage" shall mean the percentage of the total maintenance an operation levy of a

district for the tax year estimated to be collected by the fall tax collection. This percentage shall be determined by subtracting the "spring tax collection percentage" from one hundred percent ((of the total tax levy)). The data are used in calculating the ((current year's)) additional levy authority amount, Schedule II, Form F-780, for each local school district.

AMENDATORY SECTION (Amending Order 13-78, filed 12/8/78)

WAC 392-139-020 SCHEDULE I—CALCULATION OF BASIC LEVY LIMITATION FOR CALENDAR YEAR 19. . . Schedule I and the sources of figures or data shall be as follows:

F-780 (19. .)

SCHEDULE I

CALCULATION FOR BASIC LEVY LIMITATION FOR CALENDAR YEAR 19. .

- A. ((Estimated)) Basic Education Funding Prior Year at 100% (III.D.1.) \$ . . . . . (A)
- B. ((Estimated)) Basic Education Funding Prior Year at 100% Improved by 10% (I.A. x 1.10) \$ . . . . . (B)
- C. Total Guaranteed Support Prior Year (Report 1191, ((August 19. .)) D.1.) \$ . . . . . (C)
- D. Calendar Year 19. . Basic Excess Levy Limitation (I.B. - I.C.) \$ . . . . . (D)

AMENDATORY SECTION (Amending Order 13-78, filed 12/8/78)

WAC 392-139-025 SCHEDULE II—CALCULATION OF ADDITIONAL LEVY AUTHORITY (EXCEEDING BASIC LEVY LIMITATION FOR 19. . CALENDAR YEAR). Schedule II and the sources of figures or data shall be as follows:

F-780 (19. .)

SCHEDULE II

CALCULATION OF ADDITIONAL LEVY AUTHORITY (EXCEEDING BASIC LEVY LIMITATION FOR 19. . CALENDAR YEAR)

- A. Levy Collections Prior Year (Co. Treas. Stmt. for ((Aug. 31.)) 19. . . . . Accts. 1000 + 3170) \$ . . . . . (A)
- B. Guaranteed Support Prior Year (I.C.) \$ . . . . . (B)
- C. ((Compensation Improvement (Cal. Yr. 1979 Calculation Only) (Report 1191, August 1978, line C.5.) \$ . . . . . (C)
- ~~D. Compensation Improvement, Prog. 21 (Cal. Yr. 1979 Calculation Only) (Basic Ed. Self-Contained Teachers Only) (To be Calculated Using District Ratios) \$ . . . . . (D)~~
- E.)) Total Estimated Basic Education Funds Prior Year (II.A. + II.B. ((+ H.C. + H.D.))) \$ . . . . . ((E)) (C)



- ((F))D. Average Annual FTE Pupils Prior Year  
(Report 1191((E))C, August 19..) .....((F))D)
- ((G))E. Revenue/FTE Pupil Prior Year  
(II.((E))C. ÷ II.((F))D.) \$ .....((G))E)
- ((H))F. Revenue/FTE Pupil Prior Year Im-  
proved by ((4))6%  
(II.((G))E. x 1.((04))06) \$ .....((H))F)
- ((J))G. Estimated Annual FTE Pupils Current  
Year  
(Current Year F-195) .....((J))G)

<sup>1</sup>H. Enrollment Decline FTE  
.....((H))

- ((K))J. Total Estimated Basic Education Funds  
Needed Curr. Yr.  
1. Basic Education Funds Needed—Average  
Annual FTE Pupils  
.....(J.1.)  
2. Basic Education Funds Needed—Enroll-  
ment Decline FTE Pupils  
.....(J.2.)

- ((L))K. Estimated Available Basic Education  
Funds Curr. Yr.:  
1. Estimated Basic Education Apportion-  
ment Curr. Yr.  
.....((L))K.1.)  
2. ((a:)) Estimated Fall 19.. Levy Receipts ((Accts. 1030  
& 1040) \$ ..... x ..... % =))  
(((Current Year F-195) Accts. 1000 + 3170) - (.08 x II.K.1. x fall  
tax coll. %)  
\$ ..... ((L))K.2.(a))  
((b. Estimated Fall 19.. Timber Excise Tax Receipts  
(Acct. 3170) \$ .....  
(Current Year F-195) \$ ..... (L.2b))

- 3. ((a:)) Estimated Spring 19.. Levy  
(((Accts. 1030 & 1040)  
\$ ..... x ..... % =)) Rev-  
enues (I.((F))D. ((a:)) - (II K.1.  
x .08) x Spring Tax Coll. %)  
\$ ..... ((L))K.3.(a))  
((b. Estimated Spring 19.. Timber Excise Tax Receipts  
(Acct. 3170)  
(L.E.) \$ ..... (L.3b))

((M))L. Total Estimated Available Basic Educa-  
tion Funds Curr. Yr. (II.((L))K.1. +  
II.K. 2.((a. + 2.b.) + II.K. 3.((a. +  
3.b.)))  
\$ ..... ((M))L)

- <sup>3</sup>((N))M. Additional Spring 19.. Levy Collections  
(II.((K))J. - II.((M))L.) \$ ..... ((N))M)
- ((P))N. Additional Levy Authority Cal. Yr. 19..  
\$ ..... ÷ ..... %  
(II.((N))M. ÷ Spring Tax Coll. %) \$ ..... ((P))N)

<sup>1</sup> ((The basic education teachers in Program 21 are those required to  
serve the enrollments in the self-contained classrooms at the dis-  
trict's regular pupil/classroom teacher ratio. Such teachers must  
not be calculated to be included in both H.C. and H.D.)) Use II.H.  
only if enrollment decline is greater than 300, or greater than 4%  
of prior year FTE pupils.

<sup>2</sup> If no levy for 19.. collection, enter "0" for II.K.2.((a. and 2.b. If  
levy was authorized for 19.., use the property tax levy amount  
and the tax collection percentage. Report .....)) Timber tax dis-  
tricts should verify with their educational service district fiscal offi-  
cers and county treasurers as to the appropriate percentages to use  
for their distribution of the Timber Excise Tax for both years of  
concern((either 50% or 75% for spring collections, and either 50%  
or 25% for fall collections)).

<sup>3</sup> If "0" or negative, no additional levy authority is provided.

AMENDATORY SECTION (Amending Order 13-78,  
filed 12/8/78)

WAC 392-139-030 SCHEDULE III—PRIOR  
YEAR 100% FORMULA FUNDING. Schedule III  
and the sources of figures and data shall be as follows:  
F-780 (19..)

SCHEDULE III

PRIOR YEAR 100% FORMULA FUNDING<sup>1</sup>

- A. Certified Staff Units:
  1. Prior Year Average Annual FTE Pupil  
Enrollment((K-12 FTE)  
(Report 1191, ((E))C, August 19..) .....(A.1.)
  2. Basic Certificated Staff Units  
(III.A.1. ÷ 20) .....(A.2.)
  3. ((Prior Year Average Annual K-12 Net  
FTE Pupils)) Voc. Sec. Basic Cert. Staff  
Units  
(((H.A.1. - )) Prior Year Voc. Sec. FTE  
Pupils (Report 1191E, August 19..) ÷ 20) .....(A.3.)
  4. K-12 Cert((s)). Staff Units (Excl. Voc.  
Sec. ((Certs.))  
(III.A.(3))2. ((+20)) - III.A.3.) .....(A.4.)
  5. Voc. Sec. Cert((s)). Staff Units  
(Prior Year Voc. Sec. FTE Pupils  
÷ 16.67 ((Report 1191E, August 19..))) .....(A.5.)
  6. Enr. Decline Pupils  
(Second Prior Year FTE Pupils  
(Report 1191((E)), August 19.., Line 8 - Line 1) -  
III.A.1.) .....(A.6.)
  - <sup>2</sup>7. Enrollment Decline Cert((s)). Staff Units  
(III.A.6. ÷ 40) .....(A.7.)
  8. Total Basic Education Cert((s)). Staff  
Units  
(III.A.4. + III.A.5. + III.A.7.) .....(A.8.)
  9. Formula Cert. Staff Unit Compensation  
Entitlement  
(III.A.8. x \$ .....  
(Formula-Recognized Cert. Sal., Report ((+789, Col. 3.))  
1191, B.) x 1....<sup>3</sup>) \$ .....(A.9.)
- B. Classified Staff Units:
  1. Prior Year Formula Classified Staff Units  
(III.A.2. ÷ 3((-))) .....(B.1.)
  2. Prior Year Formula ((Classified))Class.  
Staff Unit Comp. Entitlement  
(III.B.1. x \$ .....  
(Formula-Recognized Class. Sal., Report ((+790, Col. 3.))  
1191, B.) x 1....<sup>3</sup>) \$ .....(B.2.)
- C. Nonemployee-Related Costs (N.E.R.C.):
  1. Prior Year ((Nonemployee-Related Costs  
Entitlement)) K-12 Basic N.E.R.C. Units  
(Excluding Voc. Sec.)  
(III.A.(2))4. x \$ ..... = \$ .....(C.1.)
  2. Prior Year Voc. Sec. N.E.R.C. Units  
(III.A.5 x \$ ..... = \$ .....(C.2.)
  3. Total Nonemployee-Related Costs  
(III.C.1. + III.C.2.)\$ .....(C.3.)
- D. Total Prior Year New Formula Entitlement:
  1. Total Prior Year 100% Formula Funding  
(III.A.9. + III.B.2. + III.C.(+))3. \$ .....(D.1.)

<sup>1</sup> Small districts, or districts with plants within the district judged by  
the state board of education to be remote and necessary ((or with

plants so judged), or those operating high schools with enrollments less than 300 FTE, see Schedules V and VI for instructions.

<sup>2</sup> Use III.A.7. ONLY if III.A.6. is greater than 300, or greater than 4% of second prior year FTE pupils.

<sup>3</sup> A factor used to convert salary to compensation to be provided annually by the superintendent of public instruction.

**AMENDATORY SECTION (Amending Order 13-78, filed 12/8/78)**

**WAC 392-139-035 SCHEDULE IV—ESTIMATED CURRENT YEAR BASIC EDUCATION FUNDING.** Schedule IV and the sources of figures and data shall be as follows:

F-780 (19. . .)

**SCHEDULE IV**

**ESTIMATED CURRENT YEAR BASIC EDUCATION FUNDING<sup>(1)</sup>**

**A. Certificated Staff Units:**

- 1. Current Year Est. Base Enrollment, K-12 FTE  
(Current Year F-195) ..... (A.1.)
- 2. Basic Certificated Units  
(IV.A.1. + ..... ) ..... (A.2.)
- 3. Estimated Current Year K-12 Net FTE Pupils  
(IV.A.1. - Est. Voc. FTE Pupils Current Year F-195) ..... (A.3.)
- 4. K-12 Certs. (Excl. Voc. Sec.)  
(IV.A.3. + ..... ) ..... (A.4.)
- 5. Estimated Voc. Sec. Certs.  
(Est. Current Year Voc. FTE Pupils F-195 + ..... ) ..... (A.5.)

**A. 19. . . . Full-Time-Equivalent Base Enrollment Estimates (By Grade Level Groupings, Must be Converted to Average Annual FTE; Includes K-12 Handicapped)<sup>17</sup>**

	Small District and R&N Plant Enrollment (1)	Small High School Enrollment (2)	District Totals Excluding (1) & (2) (3)
1. Kindergarten - Full Day		XXXX	(A.1.)
2. Kindergarten - Half Day		XXXX	(A.2.)
3. Grades 1-6, Public School		XXXX	(A.3.)
4. Private School Annual Class Hours /900	XXXX	XXXX	(A.4.)
5. Grades 7-8, Public School		XXXX	(A.5.)
6. Private School Annual Class Hours /900	XXXX	XXXX	(A.6.)
7. Grades 9-12 FTE, Public School (Excl. Voc. Sec.)		XXXX	(A.7.)
8. Private School Annual Class Hours /900	XXXX		(A.8.)
9. Total K-12 FTE (Excl. Voc. Sec.) (A.1. through A.8.)			(A.9.)
10. Grades 9-12 Voc. Sec. FTE			
Approved Annual Public School Hours /900			
Approved Annual Private School Hours /900			
Total Voc. Sec. FTE	XXXX		(A.10)
11. Total K-12 FTE Including Voc. Sec. (A.9. + A.10.)			(A.11)

**B. Enrollment FTE Count<sup>2/</sup>**

19. . . . Enrollment Decline FTE  
(Prior Yr. Avg. Annual FTE (Report 119I, C) ..... Less IV.A.11. .... x .5) ..... (B)

**C. Staff Mix Factor**

Current Year BEA Staff Mix Factor ..... (District Estimate) ..... (C)

**D. Calculation of 100% BEA Formula Certificated and Classified Staff Units 19. . . .**

1. Basic Certificated Staff Units 19. . . .

- <sup>2</sup>6. Enrollment Decline Certs.  
(III.A.1. - IV.A.1.) + ..... (A.6.)
- 7. Total Current Year Formula Certs.  
(IV.A.4. + A.5. + A.6.) ..... (A.7.)
- 8. Est. Current Year Formula Cert. Comp. Entitlement  
(IV.A.7. x ..... )  
(Report 1789, Col. 5.) x 1. ....<sup>3</sup> ..... (A.8.)

**B. Classified Units:**

- 1. Current Year Formula Classified Units  
(IV.A.2. + 3.) ..... (B.1.)
- 2. Est. Current Yr. Formula Class. Comp. Entitlement  
(IV.B.1. x ..... )  
(Report 1790, Col. 5.) x 1. ....<sup>3</sup> ..... (B.2.)

**C. Nonemployee-Related Costs:**

- 1. Est. Current Year Nonemployee-Related Costs  
(IV.A.2. x \$ ..... ) \$ ..... (C.1.)

**D. Total Est. Current Year Formula Entitlement:**

- 1. Total Est. Current Year Formula Entitlement  
(IV.A.8. + B.2. + C.1.) \$ ..... (D.1.)

<sup>1</sup> Districts judged by the state board of education to be remote and necessary or with plants so judged, or those operating high schools with enrollments less than 300 FTE, see Schedules V and VI for instructions.

<sup>2</sup> Use IV.A.6. only if enrollment decline is greater than 300, or greater than 4% of prior year FTE pupils.

<sup>3</sup> A factor used to convert salary to compensation to be provided annually by the superintendent of public instruction.)

a. District Total Enrollment Excluding R&N and Small H.S. ....	(IV.A.11. (Col. 3) ÷ 20)	_____	(D.1a)
b. Small district and R&N Plant Enrollment – Grades K–6 (IV.A.1. thru IV.A.3. (Col. 1), 60 or Less = 3; Greater than 60, + 20)		_____	(D.1b)
c. Small District and R&N Plant Enrollment – Grades 7–8 (IV.A.5. (Col. 1), 20 or Less = 1; Greater than 20, + 20)		_____	(D.1c)
d. Small High School Enrollment .....	(IV.A.9. + 10. (Col. 2), 60 or Less = 9.5; Greater than 60 but Not Over 300, Total Minus 60 + 43.5, Plus 9.5)	_____	(D.1d)
e. Total Basic Certificated Staff Units .....		_____	(D.1e)
<b>2. K–12 Certificated Staff Units Excluding Voc. Sec.</b>			
a. Estimated Voc. Sec. Basic Cert. Staff Units (Calculation)	(IV.A.10. (Col. 2 + Col. 3) + 20)	_____	(D.2a)
b. Total K–12 Certificated Staff Units Excluding Voc. Sec. ....	(IV.D.1.e. – IV.D.2.a.)	_____	(D.2b)
<b>3. 9–12 Voc. Sec. Certificated Staff Units 19...–..</b>			
9–12 Voc. Sec. Enrollment .....	(IV.A.10. (Col. 2 + Col. 3) + 16.67)	_____	(D.3.)
<b>4. Enrollment Decline Certificated Staff Units 19...–..</b>			
Enrollment Decline FTE .....	(IV.B. + 20)	_____	(D.4.)
<b>5. Total 100% BEA Formula Certificated Staff Units 19...–..</b>			
Total Formula Certificated Staff Units .....	(IV.D.2.b. + IV.D.3. + IV.D.4.)	_____	(D.5.)
<b>6. BEA Formula Classified Staff Units 19...–..</b>			
BEA Formula Classified Staff Units .....	(IV.D.1.e. + 3)	_____	(D.6.)
<b>E. 19...–.. Work Sheet for Determining BEA Certificated Staff Compensation</b>			
<b>1. 19...–.. Base x BEA Salary</b>			
19...–.. BEA Average Salary + 19...–.. BEA Mix Factor .....	(SPI Report 12...)	_____	(E.1.)
<b>2. Maintenance of BEA Certificated Staff Compensation 19...–..</b>			
a. 19...–.. Base BEA Salary x 19...–.. BEA Mix Factor .....	(IV.E.1. x IV.C.)	\$ _____	(E.2a)
b. Total 19...–.. Compensation Maintenance, BEA Cert. Staff + Fringe Benefits (IV.D.5. x IV.E.1. x 1...)		\$ _____	(E.2b)
<b>3. BEA Certificated Staff Salary Increase 19...–..</b>			
a. 19...–.. Maintenance Salary x % Increase + Fringe Benefits (IV.E.2.a. x ... (% Increase) (SPI Report 12...)) x 1...)		\$ _____	(E.3a.)
b. Total 19...–.. BEA Cert. Staff Salary Increase .....	(IV.E.3. x IV.D.5.)	\$ _____	(E.3b)
<b>4. Health Benefits Calculation 19...–..</b>			
BEA Certificated Staff Health Benefits, 19...–.. .....	(\$... x IV.D.5.)	\$ _____	(E.4.)
<b>5. BEA Certificated Staff Compensation – 19...–..</b>			
Total 19...–.. BEA Cert. Staff Comp. Enter on IV.G.1.	(IV.E.2.b. + IV.E.3.b. + IV.E.4.)	\$ _____	(E.5.)
<b>F. 19...–.. Work Sheet for Determining BEA Classified Staff Compensation</b>			
<b>1. Maintenance of Compensation 19...–..</b>			
a. 19...–.. BEA Classified Average Salary + Fringe Benefits .....	((SPI Report 13...)) x 1...)	\$ _____	(F.1a.)
b. Total 19...–.. BEA Class. Staff Compensation Maintenance + Fringe Benefits (IV.F.1.a. x IV.D.6.)		\$ _____	(F.1b.)
<b>F. 2. Salary Increase Compensation 19...–..</b>			
a. 19...–.. BEA Classified Average Salary x .% (% Increase) .....	((SPI Report 13...)) x ...)	\$ _____	(F.2a.)
b. Total 19...–.. BEA Class. Staff Salary Increase + Fringe Benefits (IV.F.2.a. x 1... x IV.D.6.)		\$ _____	(F.2b.)
<b>3. BEA Classified Staff Health Benefits Calculation 19...–..</b>			
BEA Classified Staff Health Benefits 19...–.. .....	(\$... X IV.D.6.)	\$ _____	(F.3.)
<b>4. BEA Classified Staff Compensation 19...–..</b>			
Total 19...–.. BEA Class. Comp. Enter on IV.G.2.	(IV.F.1.b. + IV.F.2.b. + IV.F.3.)	\$ _____	(F.4.)
<b>G. Estimated State Funding Required to Guarantee 100% Formula Support for 19...–.. School Year</b>			
1. Certificated Staff Compensation .....	(IV.E.5.)	\$ _____	(G.1.)
2. Classified Staff Compensation .....	(IV.F.4.)	\$ _____	(G.2.)
3. Nonemployee–Related Costs, Excluding Voc. Sec. ....	(IV.D.2.b. x \$...)	\$ _____	(G.3.)
4. Nonemployee–Related Costs – Voc. Sec. ....	(IV.D.3. x \$...)	\$ _____	(G.4.)
5. Total Guaranteed Entitlement .....	(IV.G.1. + IV.G.2. + IV.G.3. + IV.G.4.)	\$ _____	(G.5.)

<sup>1/</sup> FTE base enrollment counts are to be calculated per WAC 392–121, excluding preschool handicapped pupils.

2/ To be completed only if enrollment decline is 300 or greater, than 4% of prior year FTE base enrollment. This provision is not applicable to any small district, or to remote and necessary plants within districts, with K-6 grades 9-12 enrollments of less than 60 FTE, for the prior school year.

AMENDATORY SECTION (Amending Order 13-78, filed 12/8/78)

WAC 392-139-040 SCHEDULE V—SMALL SCHOOL FACTORS. Schedule V and the sources of figures and data shall be as follows:

F-780 (19..)

SCHEDULE V

SMALL SCHOOL FACTORS

For remote and necessary (R&N) school plants within a district as judged by the state board of education, the following procedures must be followed:

- A. 1. Prior Year District Regular Enr., Cert. Unit Allotment ((III.A.1. - R&N Enroll.) + 20 (Report 1191E, August 19..)) (A.1.)
2. R&N Cert. Unit Allotment (K-6 FTE pupils 1-60 = 3 cert. units. Above 60 FTE pupils, at a ratio of 1 cert. unit per 20 FTE pupils. For grades 7-8 FTE pupils 1-20 = 1 cert. unit. Above 20 FTE pupils, at a ratio of 1 cert. unit per 20 FTE pupils.) (A.2.)
3. Prior Year District Basic Cert. Units Enter on III.A.2. (V.A.1. + V.A.2.) (A.3.)
((B. 1. Est. Current Yr. Dist. Regular Enr., Cert. Unit Allot. (IV.A.1. - R&N Enroll. + .....) (B.1.)
2. Est. R&N Cert. Unit Allotment (K-6 FTE pupils 1-60 = ..... cert. units. Above 60 FTE pupils, at a ratio of 1 cert. unit per ..... FTE pupils. For grades 7-8 FTE pupils 1-20 = ..... cert. unit. Above 20 FTE pupils, at a ratio of 1 cert. unit per ..... FTE pupils.) (B.2.)
3. District Basic Cert. Units Enter on IV.A.2. (V.B.1. + B.2.) (B.3.))

For ((remote and necessary)) school districts ((as judged by the state board of education)), enrolling not more than one hundred average annual full time equivalent students in grades K-8, or in grades K-12 if the district operates an approved high school program, the following procedures must be followed:

- C. Prior Year Basic Cert. Units Enter on III.A.2., or on VI.A.1., if applicable (K-6 FTE pupils 1-60 = 3 cert. units. Above 60 FTE pupils, at a ratio of 1 cert. unit per 20 FTE pupils. For grades 7-8 FTE pupils, 1-20 = 1 cert. unit. Above 20 FTE pupils, at a ratio of 1 cert. unit per 20 FTE pupils, (Report 1191E, August 19..)) (C)
((D. Current Year Basic Cert. Units Enter on IV.A.2. (K-6 FTE pupils 1-60 = ..... cert. units. Above 60 FTE pupils, at a ratio of 1 cert. unit per ..... pupils. For grades 7-8, not more than 20 FTE pupils, ..... cert. units. Above 20 FTE pupils, at a ratio of 1 cert. unit per ..... pupils.) (D))

AMENDATORY SECTION (Amending Order 13-78, filed 12/8/78)

WAC 392-139-045 SCHEDULE VI—SMALL HIGH SCHOOL FACTORS. Schedule VI and the source of figures and data shall be as follows:

F-780 (19..)

SCHEDULE VI

SMALL HIGH SCHOOL FACTORS

For small school districts operating high schools with enrollments of not more than 300 FTE pupils, the following procedures must be used:

- A. 1. Prior Year K-8 Allotment Basic Cert. Units (V.C., if applicable, or, K-8 District Enr. + 20, (Report 1191E, August 19..)) (A.1.)
2. Prior Year Small High School Cert. Units (9-12 FTE pupils 1-60 = 9.5 cert. units. From 61 to 300 FTE pupils, at a ratio of 1 cert. unit per 43.5 FTE pupils, (Report 1191E, August 19..)) (A.2.)
3. District Basic Cert. Units Enter on III.A.2. (VI.A.1. + VI.A.2.) (A.3.)
((B. 1. K-12 Certs. (Excl. Voc. Sec.) Prior Year K-12 Certs. minus Voc. Sec. Cert. Units @ 20:1 Enter on III.A.4. (VI.A.3. - (Voc. Sec. Enr. + 20)) (B.1.)
C. 1. Current Year Est. K-8 Allotment Basic Cert. Units (K-8 District Enrollment + ..... (Current Year F-195)) (C.1.)
2. Current Year Est. Small High School Cert. Units (9-12 FTE pupils 1-60 = ..... cert. units. From 61 to 300 FTE pupils, at a ratio of ..... cert. unit per 43.5 FTE pupils.) (C.2.)
3. Basic Cert. Units Enter on IV.A.2. (VI.C.1. + C.2.) (C.3.)
D. 1. K-12 Certs. (Excl. Voc. Sec.) Current Year K-12 Certs. minus Voc. Sec. Cert. Units @ ..... Enter on IV.A.4. (VI.C.3. - (Voc. Sec. Enr. + .....)) (D.1.))

WSR 79-10-175
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed October 3, 1979]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning coverage under the workers' compensation

act for officers of a corporate employer, definitions of certain risk classifications, experience rating rules and parameters, and base rates for industrial insurance, medical aid and supplemental pension premium calculations, and rules and fees regulating care and treatment of injured workers under Industrial Insurance Law (Title 51 RCW), such changes proposed to be effective beginning January 1, 1980.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

Correspondence relating to this notice and the proposed rules should be addressed to:

James T. Hughes, Director  
Department of Labor and Industries  
General Administration Building  
Olympia, Washington 98504;

that such agency will at 9:30 a.m., Tuesday, November 20, 1979, in the Conference Room, First Floor, General Administration Building, Olympia, Washington 98504 conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, November 28, 1979, in the Directors Office, Third Floor, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 51.04.020(1) and 51.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 20, 1979, and/or orally at 9:30 a.m., Tuesday, November 20, 1979, Conference Room, First Floor, General Administration Building, Olympia, Washington 98504.

Dated: October 3, 1979  
By: James T. Hughes  
Director

#### NEW SECTION

**WAC 296-20-01501 PHYSICIAN'S ASSISTANT RULES.** (1) Physicians' assistants may perform only those medical services in industrial injury cases, for which the physician's assistant is trained and licensed, under the control and supervision of a licensed physician. Such control and supervision shall not be construed to require the personal presence of the supervising physician.

(2) Physicians' assistants in remote areas may perform those medical services which are within the scope of their physician's assistant license for industrial injury cases within the limitations of subsections (3), (4), (5), and (6) below.

(3) Advance approval must be obtained from the department to treat industrial injury cases. To be eligible to treat industrial injuries, the physician's assistant must:

(a) Provide the department with a copy of his license indicating whether it is Type A, B, or C.

(b) Provide the name and address and specialty of the supervising physician.

(c) Provide the department with the evidence of a reliable and rapid system of communication with the supervising physician.

(4) Those physicians' assistants who hold Type A licenses may: Collect historical and physical data, organize the data, and present such data to the supervising physician who can then determine appropriate

diagnostic or therapeutic measures. The physician assistant may assist the physician by performing diagnostic and therapeutic procedures and coordinating the roles of other more technical assistants. The physician's assistant may under certain circumstances and rules defined by the Professional License Division, perform medical services without the immediate surveillance of the physician. The supervising physician may bill for physician assistant service at eighty percent of procedure value as using applicable modifier code-01 or -04.

(5) A physician assistant holding Type B license may: Collect and organize data; perform appropriate diagnostic or therapeutic measures; and perform independent action only within the specialty field of the supervising physician. The supervising physician may bill for physician assistant services at seventy-five percent of procedure value using applicable modifier code -02 or -05.

(6) A physician assistant holding Type C license may: Perform a specific function within the specialty field of the supervising physician or physicians, only. The supervising physician may bill for physician assistant services at seventy percent of procedure value using applicable modifier code -03 or -06.

#### AMENDATORY SECTION (Amending Order 76-34, filed 11/24/76)

**WAC 296-20-03001 TREATMENT REQUIRING AUTHORIZATION—ALL CASES.** (1) Office calls in excess of the first ten.

(2) Elective major surgery (See WAC 296-20-045)

(3) X-ray and radium therapy.

(4) Specific diagnostic service—Codes 92000-95980.

(5) Myelogram and discogram, unless carried out within thirty days from the date of injury.

(6) Physical Therapy. Advance authorization on an individual basis is required in remote isolated areas where there is no Registered Physical Therapist or Physical Therapist Assistant serving under the direction of a Registered Physical Therapist, and physical therapy is to be given in a physician's office, hospital or nurse practitioner clinic by other than a Registered Physical Therapist. **USE OF DIAPULSE OR SIMILAR MACHINE ON PERSONS UNDER THE JURISDICTION OF THE DEPARTMENT OR SELF-INSURER IS NOT AUTHORIZED.**

(7) Diagnostic or therapeutic nerve blocks subsequent to the first thirty days following injury, or in excess of once weekly.

(8) Intra-articular, para-articular and parenteral injections subsequent to the first thirty days following injury, or in excess of once weekly. **INJECTION OF VITAMIN B-12 WILL BE AUTHORIZED ONLY FOR TREATMENT OF PERNICIOUS ANEMIA.**

(9) Prior approval is required for injections of all fibrosing or sclerosing agents. The fibrosing or sclerosing agents to be employed, the reason for treatment and the areas to be treated must be included on the request for authorization.

(10) Treatment measures of an unusual, controversial, complicated, obsolete or experimental nature (see WAC 296-20-045 and 296-20-131) must be approved in advance by the department. Requests for approval of such treatment must contain a description of the treatment, the reason for its employment, its benefits and the expected results.

(11) The long term prescription of medication under the specific conditions and circumstances in (a) and (b) are considered corrective therapy rather than palliative treatment and approval in advance must be obtained.

(a) Nonsteroidal antiinflammatory agents for the treatment of degenerative joint conditions aggravated by occupational injury.

(b) Anticonvulsive agents for the treatment of seizure disorders caused by trauma.

(12) Injections of anesthetic and/or antiinflammatory agents into the vertebral facet joints will be authorized to qualified specialists in orthopedics, neurology, and anesthesia, under the following conditions:

(a) Rationale for procedure, treatment plan, and request for authorization must be presented in writing to the supervisor of medical services.

(b) Procedure must be performed in an accredited hospital under radiographic control.

(c) Not more than four facet injection procedures will be authorized in any one patient.

(d) Payment for services will be contingent upon receipt of satisfactory reports from the physician in regard to claimant's response to the procedure. Such reports are to be directed to the attention of the medical consultant to the department.

**AMENDATORY SECTION** (Amending Order 76-34, filed 11/24/76)

**WAC 296-20-03002 TREATMENT NOT AUTHORIZED.** (1) USE OF DIAPULSE, THERMATIC (standard model only), SPECTROWAVE AND SUPERPULSE MACHINES ON WORKERS ENTITLED TO BENEFITS UNDER THE INDUSTRIAL INSURANCE ACT IS NOT AUTHORIZED.

(2) Injections of Vitamin B-12 for treatment of conditions other than pernicious anemia.

(3) Any treatment measure, including physical therapy, as a palliative measure will not be allowed or paid.

(4) Intra thecal and Epidural injections of Cortico-Steroid Hormones.

**AMENDATORY SECTION** (Amending Order 71-6, filed 6/1/71)

**WAC 296-20-045 PROCEDURES REQUIRING CONSULTATION.** In the event of complication, controversy, or dispute over the medical aspects of any claim, the department will not authorize treatment until the attending physician has (~~arranged a consultation with a qualified physician in whom he has confidence, and the department has received notification of the findings and recommendations of the consultant~~) obtained concurring opinion from a qualified physician with experience and expertise on the subject. This consultation must be arranged in accordance with WAC 296-20-051.

Consultation is also required in the following cases:

(1) All elective neck and back surgery.

(2) All repeat elective major surgery, except inguinal hernia.

~~((2))~~ (3) All elective major surgery on a patient with serious medical, emotional or social problems which are likely to complicate recovery.

~~((3))~~ (4) All procedures of a controversial nature or type not in common use for the specific condition.

~~((4))~~ (5) Surgical cases where there are complications or unfavorable circumstances such as age, preexisting conditions or interference with occupational requirements, etc.

**NEW SECTION**

**WAC 296-20-12501 PHYSICIAN ASSISTANT BILLING PROCEDURE.** Billing for physician assistant services can be made only by the supervising physician. Payment will be made directly to the supervising physician. All physician assistant services must be identified by using physician assistant modifiers.

(1) Bills must be itemized on department or self-insurer forms, as the case may be, specifying: The date, type of service and the charges for each service.

(2) The bill form must be completed in detail to include the claim number. While the name of the physician's assistant rendering service must be included on the bill, all bills must be submitted under the supervising physician account number. Bills will be accepted when signed by other than the practitioner rendering services. When bills are prepared by someone else, the responsibility for the completeness and accuracy of the description of services and charges rests with the supervising physician.

(3) For a bill to be considered for payment, it must be received in the department or by the self-insurer within ninety days from the date each specific treatment and/or service was rendered or performed. Whenever possible, bills should be submitted monthly.

(4) Bills cannot be paid for services rendered while a claim is closed.

(5) The department or self-insurer may reject bills for services rendered in violation of medical aid rules.

**NEW SECTION**

**WAC 296-20-12502 PHYSICIAN ASSISTANT MODIFIERS.** As the scope of physician assistant treatment covers a broad area of treatment procedures, the following modifier codes are to be used after the applicable procedure code.

-01 Physician Assistant, Type A License, if performing procedure without presence of supervising physician. Bill 80% of Procedure Value.

-02 Physician Assistant, Type B License, if performing procedure without presence of supervising physician. Bill 75% of Procedure Value.

-03 Physician Assistant, Type C License, if performing procedure without presence of supervising physician. Bill 70% of Procedure Value.

-04 Physician Assistant, Type A License, if performing procedure in presence of supervising physician. Bill 80% of Procedure Value.

-05 Physician Assistant, Type B License, if performing procedure in presence of supervising physician. Bill 75% of Procedure Value.

-06 Physician Assistant, Type C License, if performing procedure in presence of supervising physician. Bill 75% of Procedure Value.

-99 Multiple modifiers: Under certain circumstances, multiple modifier may be applicable. One or more such modifiers may be taken from another section, as applicable. For example, a physician assistant might be serving as a surgical assistant (modifier -80), assisting in performing a multiple or bilateral procedure (modifier -50). In such cases, he would add this modifier (-99) to the procedure code and briefly indicate the circumstances.

**AMENDATORY SECTION** (Amending Order 77-27, filed 11/30/77)

**WAC 296-20-135 CONVERSION FACTOR TABLE—MEDICINE, CHIROPRACTIC, PHYSICAL THERAPY, DRUGLESS THERAPEUTICS AND NURSE PRACTITIONER SECTIONS.** This table is a conversion of fee schedule unit values to fees in dollar amounts at ~~((50.79))~~ \$0.88 per unit. This conversion factor is to be applied to the medicine section of the fee schedule, the chiropractic, physical therapy, drugless therapeutic and nurse practitioner sections.

Unit Value	<del>((5.79))</del> <u>@\$0.88</u>	Unit Value	<del>((5.79))</del> <u>@\$0.88</u>	Unit Value	<del>((5.79))</del> <u>@\$0.88</u>
.1	<del>((.08))</del> <u>.09</u>	5.0	<del>((3.95))</del> <u>4.40</u>	9.9	<del>((7.43))</del> <u>8.71</u>
.2	<del>((.16))</del> <u>.18</u>	5.1	<del>((4.07))</del> <u>4.49</u>	10.0	<del>((7.50))</del> <u>8.80</u>
.3	<del>((.24))</del> <u>.26</u>	5.2	<del>((4.19))</del> <u>4.58</u>	10.5	<del>((8.30))</del> <u>9.24</u>
.4	<del>((.32))</del> <u>.35</u>	5.3	<del>((4.31))</del> <u>4.66</u>	11.0	<del>((8.69))</del> <u>9.68</u>
.5	<del>((.40))</del> <u>.44</u>	5.4	<del>((4.43))</del> <u>4.75</u>	11.5	<del>((9.09))</del> <u>10.12</u>
.6	<del>((.47))</del> <u>.53</u>	5.5	<del>((4.55))</del> <u>4.84</u>	12.0	<del>((9.48))</del> <u>10.56</u>
.7	<del>((.55))</del> <u>.62</u>	5.6	<del>((4.67))</del> <u>4.93</u>	12.5	<del>((9.88))</del> <u>11.00</u>
.8	<del>((.63))</del> <u>.70</u>	5.7	<del>((4.79))</del> <u>5.02</u>	13.0	<del>((10.27))</del> <u>11.44</u>
.9	<del>((.71))</del> <u>.79</u>	5.8	<del>((4.91))</del> <u>5.10</u>	13.5	<del>((10.67))</del> <u>11.88</u>
1.0	<del>((.79))</del> <u>.88</u>	5.9	<del>((5.03))</del> <u>5.19</u>	14.0	<del>((11.06))</del> <u>12.32</u>
1.1	<del>((.87))</del> <u>.97</u>	6.0	<del>((5.15))</del> <u>5.28</u>	14.5	<del>((11.46))</del> <u>12.76</u>
1.2	<del>((.95))</del> <u>1.06</u>	6.1	<del>((5.27))</del> <u>5.37</u>	15.0	<del>((11.85))</del> <u>13.20</u>
1.3	<del>((1.03))</del> <u>1.14</u>	6.2	<del>((5.39))</del> <u>5.46</u>	16.0	<del>((12.64))</del> <u>14.08</u>
1.4	<del>((1.11))</del> <u>1.23</u>	6.3	<del>((5.51))</del> <u>5.54</u>	17.0	<del>((13.43))</del> <u>14.96</u>
1.5	<del>((1.19))</del> <u>1.32</u>	6.4	<del>((5.63))</del> <u>5.63</u>	18.0	<del>((14.22))</del> <u>15.84</u>
1.6	<del>((1.26))</del> <u>1.41</u>	6.5	<del>((5.75))</del> <u>5.72</u>	19.0	<del>((15.01))</del> <u>16.72</u>
1.7	<del>((1.34))</del> <u>1.50</u>	6.6	<del>((5.87))</del> <u>5.81</u>	20.0	<del>((15.80))</del> <u>17.60</u>
1.8	<del>((1.42))</del> <u>1.58</u>	6.7	<del>((5.99))</del> <u>5.90</u>	21.0	<del>((16.59))</del> <u>18.48</u>
1.9	<del>((1.50))</del> <u>1.67</u>	6.8	<del>((6.11))</del> <u>5.98</u>	22.0	<del>((17.38))</del> <u>19.36</u>
2.0	<del>((1.58))</del> <u>1.76</u>	6.9	<del>((6.23))</del> <u>6.07</u>	23.0	<del>((18.17))</del> <u>20.24</u>
2.1	<del>((1.66))</del> <u>1.85</u>	7.0	<del>((6.35))</del> <u>6.16</u>	24.0	<del>((18.96))</del> <u>21.12</u>
2.2	<del>((1.74))</del> <u>1.94</u>	7.1	<del>((6.47))</del> <u>6.25</u>	25.0	<del>((19.75))</del> <u>22.00</u>
2.3	<del>((1.82))</del> <u>2.02</u>	7.2	<del>((6.59))</del> <u>6.34</u>	30.0	<del>((23.70))</del> <u>26.40</u>
2.4	<del>((1.90))</del> <u>2.11</u>	7.3	<del>((6.71))</del> <u>6.42</u>	35.0	<del>((27.65))</del> <u>30.80</u>
2.5	<del>((1.98))</del> <u>2.20</u>	7.4	<del>((6.83))</del> <u>6.51</u>	40.0	<del>((31.60))</del> <u>35.20</u>
2.6	<del>((2.05))</del> <u>2.29</u>	7.5	<del>((6.95))</del> <u>6.60</u>	45.0	<del>((35.55))</del> <u>39.60</u>
2.7	<del>((2.13))</del> <u>2.38</u>	7.6	<del>((7.07))</del> <u>6.69</u>	50.0	<del>((39.50))</del> <u>44.00</u>
2.8	<del>((2.21))</del> <u>2.46</u>	7.7	<del>((7.19))</del> <u>6.78</u>	55.0	<del>((43.45))</del> <u>48.40</u>

Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88
2.9	((2-29)) 2.55	7.8	((6-16)) 6.86	60.0	((47-40)) 52.80	1.3	((14-30)) 15.99	6.2	((68-20)) 76.26	16.0	((176-00)) 196.80		
3.0	((2-37)) 2.64	7.9	((6-24)) 6.95	65.0	((51-35)) 57.20	1.4	((15-40)) 17.22	6.3	((69-30)) 77.49	17.0	((187-00)) 209.10		
3.1	((2-45)) 2.73	8.0	((6-32)) 7.04	70.0	((55-30)) 61.60	1.5	((16-50)) 18.45	6.4	((70-40)) 78.72	18.0	((198-00)) 221.40		
3.2	((2-53)) 2.82	8.1	((6-40)) 7.13	75.0	((59-25)) 66.00	1.6	((17-60)) 19.68	6.5	((71-50)) 79.95	19.0	((209-00)) 233.70		
3.3	((2-61)) 2.90	8.2	((6-48)) 7.22	80.0	((63-20)) 70.40	1.7	((18-70)) 20.91	6.6	((72-60)) 81.18	20.0	((220-00)) 246.00		
3.4	((2-69)) 2.99	8.3	((6-56)) 7.30	85.0	((67-15)) 74.80	1.8	((19-80)) 22.14	6.7	((73-70)) 82.41	21.0	((231-00)) 258.30		
3.5	((2-77)) 3.08	8.4	((6-64)) 7.39	90.0	((71-10)) 79.20	1.9	((20-90)) 23.37	6.8	((74-80)) 83.64	22.0	((242-00)) 270.60		
3.6	((2-84)) 3.17	8.5	((6-72)) 7.48	95.0	((75-05)) 83.60	2.0	((22-00)) 24.60	6.9	((75-90)) 84.87	23.0	((253-00)) 282.90		
3.7	((2-92)) 3.26	8.6	((6-79)) 7.57	100.0	((79-00)) 88.00	2.1	((23-10)) 25.83	7.0	((77-00)) 86.10	24.0	((264-00)) 295.20		
3.8	((3-00)) 3.34	8.7	((6-87)) 7.66	105.0	((82-95)) 92.40	2.2	((24-20)) 27.06	7.1	((78-10)) 87.33	25.0	((275-00)) 307.50		
3.9	((3-08)) 3.43	8.8	((6-95)) 7.74	110.0	((86-90)) 96.80	2.3	((25-30)) 28.29	7.2	((79-20)) 88.56	30.0	((330-00)) 369.00		
4.0	((3-16)) 3.52	8.9	((7-03)) 7.83	115.0	((90-85)) 101.20	2.4	((26-40)) 29.52	7.3	((80-30)) 89.79	35.0	((385-00)) 430.50		
4.1	((3-24)) 3.61	9.0	((7-11)) 7.92	120.0	((94-80)) 105.60	2.5	((27-50)) 30.75	7.4	((81-40)) 91.02	40.0	((440-00)) 492.00		
4.2	((3-32)) 3.70	9.1	((7-19)) 8.01	125.0	((98-75)) 110.00	2.6	((28-60)) 31.98	7.5	((82-50)) 92.25	45.0	((495-00)) 553.50		
4.3	((3-40)) 3.78	9.2	((7-27)) 8.10	130.0	((102-70)) 114.40	2.7	((29-70)) 33.21	7.6	((83-60)) 93.48	50.0	((550-00)) 615.00		
4.4	((3-48)) 3.87	9.3	((7-35)) 8.18	140.0	((110-60)) 123.20	2.8	((30-80)) 34.44	7.7	((84-70)) 94.71	55.0	((605-00)) 676.50		
4.5	((3-56)) 3.96	9.4	((7-43)) 8.27	150.0	((118-50)) 132.00	2.9	((31-90)) 35.67	7.8	((85-80)) 95.94	60.0	((660-00)) 738.00		
4.6	((3-63)) 4.05	9.5	((7-51)) 8.36	160.0	((126-40)) 140.80	3.0	((33-00)) 36.90	7.9	((86-90)) 97.17	65.0	((715-00)) 799.50		
4.7	((3-71)) 4.14	9.6	((7-58)) 8.45	170.0	((134-30)) 149.60	3.1	((34-10)) 38.13	8.0	((88-00)) 98.40	70.0	((770-00)) 861.00		
4.8	((3-79)) 4.22	9.7	((7-66)) 8.54	180.0	((142-20)) 158.40	3.2	((35-20)) 39.36	8.1	((89-10)) 99.63	75.0	((825-00)) 922.50		
4.9	((3-87)) 4.31	9.8	((7-74)) 8.62	190.0	((150-10)) 167.20	3.3	((36-30)) 40.59	8.2	((90-20)) 100.86	80.0	((880-00)) 984.00		
				200.0	((158-00)) 176.00	3.4	((37-40)) 41.82	8.3	((91-30)) 102.09	85.0	((935-00)) 1,045.50		
						3.5	((38-50)) 43.05	8.4	((92-40)) 103.32	90.0	((990-00)) 1,107.00		
						3.6	((39-60)) 44.28	8.5	((93-50)) 104.55	95.0	((1,045-00)) 1,168.50		
						3.7	((40-70)) 45.51	8.6	((94-60)) 105.78	100.0	((1,100-00)) 1,230.00		
						3.8	((41-80)) 46.74	8.7	((95-70)) 107.01	105.0	((1,155-00)) 1,291.50		
						3.9	((42-90)) 47.97	8.8	((96-80)) 108.24	110.0	((1,210-00)) 1,353.00		
						4.0	((44-00)) 49.20	8.9	((97-90)) 109.47	115.0	((1,265-00)) 1,414.50		
						4.1	((45-10)) 50.43	9.0	((99-00)) 110.70	120.0	((1,320-00)) 1,476.00		
						4.2	((46-20)) 51.66	9.1	((100-10)) 111.93	125.0	((1,375-00)) 1,537.50		
						4.3	((47-30)) 52.89	9.2	((101-20)) 113.16	130.0	((1,430-00)) 1,599.00		
						4.4	((48-40)) 54.12	9.3	((102-30)) 114.39	140.0	((1,540-00)) 1,722.00		
						4.5	((49-50)) 55.35	9.4	((103-40)) 115.62	150.0	((1,650-00)) 1,845.00		
						4.6	((50-60)) 56.58	9.5	((104-50)) 116.85	160.0	((1,760-00)) 1,968.00		
						4.7	((51-70)) 57.81	9.6	((105-60)) 118.08	170.0	((1,870-00)) 2,091.00		
						4.8	((52-80)) 59.04	9.7	((106-70)) 119.31	180.0	((1,980-00)) 2,214.00		
						4.9	((53-90)) 60.27	9.8	((107-80)) 120.54	190.0	((2,209-00)) 2,337.00		
										200.0((6	2,200-00)) 2,460.00		

**AMENDATORY SECTION** (Amending Order 77-27, filed 11/30/77)

WAC 296-20-140 CONVERSION FACTOR TABLE—ANESTHESIA. This table is ((†)) a conversion of fee schedule unit values to fees in dollar amounts at ((††)) \$12.30 per unit. This conversion factor is to be applied to the anesthesia section of the fee schedule.

Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88	Unit Value	((@5-79)) @50.88
.1	((1-10)) 1.23	5.0	((55-00)) 61.50	9.9	((108-90)) 121.77
.2	((2-20)) 2.46	5.1	((56-10)) 62.73	10.0	((110-00)) 123.00
.3	((3-30)) 3.69	5.2	((57-20)) 63.96	10.5	((115-50)) 129.15
.4	((4-40)) 4.92	5.3	((58-30)) 65.19	11.0	((121-00)) 135.30
.5	((5-50)) 6.15	5.4	((59-40)) 66.42	11.5	((126-50)) 141.45
.6	((6-60)) 7.38	5.5	((60-50)) 67.65	12.0	((132-00)) 147.60
.7	((7-70)) 8.61	5.6	((61-60)) 68.88	12.5	((137-50)) 153.75
.8	((8-80)) 9.84	5.7	((62-70)) 70.11	13.0	((143-00)) 159.90
.9	((9-90)) 11.07	5.8	((63-80)) 71.34	13.5	((148-50)) 166.05
1.0	((11-00)) 12.30	5.9	((64-90)) 72.57	14.0	((154-00)) 172.20
1.1	((12-10)) 13.53	6.0	((66-00)) 73.80	14.5	((159-50)) 178.35
1.2	((13-20)) 14.76	6.1	((67-10)) 75.03	15.0	((165-00)) 184.50

**AMENDATORY SECTION** (Amending Order 77-27, filed 11/30/77)

WAC 296-20-145 CONVERSION FACTOR TABLE—SURGERY. This table is a conversion of fee schedule unit values to fees in



dollar amounts at ~~((\\$38.00))~~ \$42.60 per unit. This conversion factor applies only to the surgery section of the fee schedule.

Unit Value <del>((@\\$38.00))</del> @\\$42.60	Unit Value <del>((@\\$38.00))</del> @\\$42.60	Unit Value <del>((@\\$38.00))</del> @\\$42.60
.1 <del>((3.80))</del> 4.26	5.0 <del>((190.00))</del> 213.00	9.9 <del>((376.20))</del> 421.74
.2 <del>((7.60))</del> 8.52	5.1 <del>((193.80))</del> 217.26	10.0 <del>((380.00))</del> 426.00
.3 <del>((11.40))</del> 12.78	5.2 <del>((197.60))</del> 221.52	10.5 <del>((399.00))</del> 447.30
.4 <del>((15.20))</del> 17.04	5.3 <del>((201.40))</del> 225.78	11.0 <del>((418.00))</del> 468.60
.5 <del>((19.00))</del> 21.30	5.4 <del>((205.20))</del> 230.04	11.5 <del>((437.00))</del> 489.90
.6 <del>((22.80))</del> 25.56	5.5 <del>((209.00))</del> 234.30	12.0 <del>((456.00))</del> 511.20
.7 <del>((26.60))</del> 29.82	5.6 <del>((212.80))</del> 238.56	12.5 <del>((475.00))</del> 532.50
.8 <del>((30.40))</del> 34.08	5.7 <del>((216.60))</del> 242.82	13.0 <del>((494.00))</del> 553.80
.9 <del>((34.20))</del> 38.34	5.8 <del>((220.40))</del> 247.08	13.5 <del>((513.00))</del> 575.10
1.0 <del>((38.00))</del> 42.60	5.9 <del>((224.20))</del> 251.34	14.0 <del>((532.00))</del> 596.40
1.1 <del>((41.80))</del> 46.86	6.0 <del>((228.00))</del> 255.60	14.5 <del>((551.00))</del> 617.70
1.2 <del>((45.60))</del> 51.12	6.1 <del>((231.80))</del> 259.86	15.0 <del>((570.00))</del> 639.00
1.3 <del>((49.40))</del> 55.38	6.2 <del>((235.60))</del> 264.12	16.0 <del>((608.00))</del> 681.60
1.4 <del>((53.20))</del> 59.64	6.3 <del>((239.40))</del> 268.38	17.0 <del>((646.00))</del> 724.20
1.5 <del>((57.00))</del> 63.90	6.4 <del>((243.20))</del> 272.64	18.0 <del>((684.00))</del> 766.80
1.6 <del>((60.80))</del> 68.16	6.5 <del>((247.00))</del> 276.90	19.0 <del>((722.00))</del> 809.40
1.7 <del>((64.60))</del> 72.42	6.6 <del>((250.80))</del> 281.16	20.0 <del>((760.00))</del> 852.00
1.8 <del>((68.40))</del> 76.68	6.7 <del>((254.60))</del> 285.42	21.0 <del>((798.00))</del> 894.60
1.9 <del>((72.20))</del> 80.94	6.8 <del>((258.40))</del> 289.68	22.0 <del>((836.00))</del> 937.20
2.0 <del>((76.00))</del> 85.20	6.9 <del>((262.20))</del> 293.94	23.0 <del>((874.00))</del> 979.80
2.1 <del>((79.80))</del> 89.46	7.0 <del>((266.00))</del> 298.20	24.0 <del>((912.00))</del> 1,022.40
2.2 <del>((83.60))</del> 93.72	7.1 <del>((269.80))</del> 302.46	25.0 <del>((950.00))</del> 1,065.00
2.3 <del>((87.40))</del> 97.98	7.2 <del>((273.60))</del> 306.72	30.0 <del>((1,140.00))</del> 1,278.00
2.4 <del>((91.20))</del> 102.24	7.3 <del>((277.40))</del> 310.98	35.0 <del>((1,330.00))</del> 1,491.00
2.5 <del>((95.00))</del> 106.50	7.4 <del>((281.20))</del> 315.24	40.0 <del>((1,520.00))</del> 1,704.00
2.6 <del>((98.80))</del> 110.76	7.5 <del>((285.00))</del> 319.50	45.0 <del>((1,710.00))</del> 1,917.00
2.7 <del>((102.60))</del> 115.02	7.6 <del>((288.80))</del> 323.76	50.0 <del>((1,900.00))</del> 2,130.00
2.8 <del>((106.40))</del> 119.28	7.7 <del>((292.60))</del> 328.02	55.0 <del>((2,090.00))</del> 2,343.00
2.9 <del>((110.20))</del> 123.54	7.8 <del>((296.40))</del> 332.28	60.0 <del>((2,280.00))</del> 2,556.00
3.0 <del>((114.00))</del> 127.80	7.9 <del>((300.20))</del> 336.54	65.0 <del>((2,470.00))</del> 2,769.00
3.1 <del>((117.80))</del> 132.06	8.0 <del>((304.00))</del> 340.80	70.0 <del>((2,660.00))</del> 2,982.00
3.2 <del>((121.60))</del> 136.32	8.1 <del>((307.80))</del> 345.06	75.0 <del>((2,850.00))</del> 3,195.00
3.3 <del>((125.40))</del> 140.58	8.2 <del>((311.60))</del> 349.32	80.0 <del>((3,040.00))</del> 3,408.00
3.4 <del>((129.20))</del> 144.84	8.3 <del>((315.40))</del> 353.58	85.0 <del>((3,230.00))</del> 3,621.00
3.5 <del>((133.00))</del> 149.10	8.4 <del>((319.20))</del> 357.84	90.0 <del>((3,420.00))</del> 3,834.00
3.6 <del>((136.80))</del> 153.36	8.5 <del>((323.00))</del> 362.10	95.0 <del>((3,610.00))</del> 4,047.00
3.7 <del>((140.60))</del> 157.62	8.6 <del>((326.80))</del> 366.36	100.0 <del>((3,800.00))</del> 4,260.00
3.8 <del>((144.40))</del> 161.88	8.7 <del>((330.60))</del> 370.62	105.0 <del>((3,990.00))</del> 4,473.00
3.9 <del>((148.20))</del> 166.14	8.8 <del>((334.40))</del> 374.88	110.0 <del>((4,180.00))</del> 4,686.00
4.0 <del>((152.00))</del> 170.40	8.9 <del>((338.20))</del> 379.14	115.0 <del>((4,370.00))</del> 4,899.00
4.1 <del>((155.80))</del>	9.0 <del>((342.00))</del>	120.0 <del>((4,560.00))</del>

Unit Value <del>((@\\$38.00))</del> @\\$42.60	Unit Value <del>((@\\$38.00))</del> @\\$42.60	Unit Value <del>((@\\$38.00))</del> @\\$42.60
4.2 <del>((159.60))</del> 174.66	9.1 <del>((345.80))</del> 383.40	125.0 <del>((4,750.00))</del> 5,112.00
4.3 <del>((163.40))</del> 178.92	9.2 <del>((349.60))</del> 387.66	130.0 <del>((4,940.00))</del> 5,325.00
4.4 <del>((167.20))</del> 183.18	9.3 <del>((353.40))</del> 391.92	140.0 <del>((5,320.00))</del> 5,538.00
4.5 <del>((171.00))</del> 187.44	9.4 <del>((357.20))</del> 396.18	150.0 <del>((5,700.00))</del> 5,964.00
4.6 <del>((174.80))</del> 191.70	9.5 <del>((361.00))</del> 400.44	160.0 <del>((6,080.00))</del> 6,390.00
4.7 <del>((178.60))</del> 195.96	9.6 <del>((364.80))</del> 404.70	170.0 <del>((6,460.00))</del> 6,816.00
4.8 <del>((182.40))</del> 200.22	9.7 <del>((368.60))</del> 408.96	180.0 <del>((6,840.00))</del> 7,242.00
4.9 <del>((186.20))</del> 204.48	9.8 <del>((372.40))</del> 413.22	190.0 <del>((7,220.00))</del> 7,668.00
		200.0 <del>((7,600.00))</del> 8,094.00
		8,520.00

**AMENDATORY SECTION** (Amending Order 77-27, filed 11/30/77)

**WAC 296-20-150 CONVERSION FACTOR TABLE—RADIOLOGY.** This table is a conversion of the fee schedule unit values to fees in dollar amounts at ~~((\\$3.90))~~ \$4.35 per unit. This conversion factor is to be applied only to the radiology section of the fee schedule.

Unit Value <del>((@\\$3.90))</del> @\\$4.35	Unit Value <del>((@\\$3.90))</del> @\\$4.35	Unit Value <del>((@\\$3.90))</del> @\\$4.35
.1 <del>((.39))</del> .44	5.0 <del>((19.50))</del> 21.75	9.9 <del>((38.61))</del> 43.07
.2 <del>((.78))</del> .87	5.1 <del>((19.89))</del> 22.19	10.0 <del>((39.00))</del> 43.50
.3 <del>((1.17))</del> 1.31	5.2 <del>((20.28))</del> 22.62	10.5 <del>((40.95))</del> 45.68
.4 <del>((1.56))</del> 1.74	5.3 <del>((20.67))</del> 23.06	11.0 <del>((42.90))</del> 47.85
.5 <del>((1.95))</del> 2.18	5.4 <del>((21.06))</del> 23.49	11.5 <del>((44.85))</del> 50.03
.6 <del>((2.34))</del> 2.61	5.5 <del>((21.45))</del> 23.93	12.0 <del>((46.80))</del> 52.20
.7 <del>((2.73))</del> 3.05	5.6 <del>((21.84))</del> 24.36	12.5 <del>((48.75))</del> 54.38
.8 <del>((3.12))</del> 3.48	5.7 <del>((22.23))</del> 24.80	13.0 <del>((50.70))</del> 56.55
.9 <del>((3.51))</del> 3.92	5.8 <del>((22.62))</del> 25.23	13.5 <del>((52.65))</del> 58.73
1.0 <del>((3.90))</del> 4.35	5.9 <del>((23.01))</del> 25.67	14.0 <del>((54.60))</del> 60.90
1.1 <del>((4.29))</del> 4.79	6.0 <del>((23.40))</del> 26.10	14.5 <del>((56.55))</del> 63.08
1.2 <del>((4.68))</del> 5.22	6.1 <del>((23.79))</del> 26.54	15.0 <del>((58.50))</del> 65.25
1.3 <del>((5.07))</del> 5.66	6.2 <del>((24.18))</del> 26.97	16.0 <del>((60.45))</del> 67.43
1.4 <del>((5.46))</del> 6.09	6.3 <del>((24.57))</del> 27.41	17.0 <del>((62.40))</del> 69.60
1.5 <del>((5.85))</del> 6.53	6.4 <del>((24.96))</del> 27.84	18.0 <del>((64.35))</del> 71.78
1.6 <del>((6.24))</del> 6.96	6.5 <del>((25.35))</del> 28.28	19.0 <del>((66.30))</del> 73.95
1.7 <del>((6.63))</del> 7.40	6.6 <del>((25.74))</del> 28.71	20.0 <del>((68.25))</del> 76.13
1.8 <del>((7.02))</del> 7.83	6.7 <del>((26.13))</del> 29.15	21.0 <del>((70.20))</del> 78.30
1.9 <del>((7.41))</del> 8.27	6.8 <del>((26.52))</del> 29.58	22.0 <del>((72.15))</del> 80.48
2.0 <del>((7.80))</del> 8.70	6.9 <del>((26.91))</del> 30.02	23.0 <del>((74.10))</del> 82.65
2.1 <del>((8.19))</del> 9.14	7.0 <del>((27.30))</del> 30.45	24.0 <del>((76.05))</del> 84.83
2.2 <del>((8.58))</del> 9.57	7.1 <del>((27.69))</del> 30.89	25.0 <del>((78.00))</del> 87.00
2.3 <del>((8.97))</del> 10.01	7.2 <del>((28.08))</del> 31.32	26.0 <del>((80.00))</del> 89.18
2.4 <del>((9.36))</del> 10.44	7.3 <del>((28.47))</del> 31.76	27.0 <del>((82.00))</del> 91.35
2.5 <del>((9.75))</del> 10.88	7.4 <del>((28.86))</del> 32.19	28.0 <del>((84.00))</del> 93.53

Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)
2.6 ((+0.14))	11.31	7.5 ((29.25))	32.63	45.0 ((175.50))	195.75	1.0 ((.37))	2.38	14.0 ((5.18))	5.54
2.7 ((+0.53))	11.75	7.6 ((29.64))	33.06	50.0 ((195.00))	217.50	1.1 ((.41))	2.42	14.5 ((5.37))	5.74
2.8 ((+0.92))	12.18	7.7 ((30.03))	33.50	55.0 ((214.50))	239.25	1.2 ((.44))	2.46	15.0 ((5.55))	5.95
2.9 ((+1.31))	12.62	7.8 ((30.42))	33.93	60.0 ((234.00))	261.00	1.3 ((.48))	2.50	16.0 ((5.92))	6.15
3.0 ((+1.70))	13.05	7.9 ((30.81))	34.37	65.0 ((253.50))	282.75	1.4 ((.52))	2.54	17.0 ((6.29))	6.36
3.1 ((+2.09))	13.49	8.0 ((31.20))	34.80	70.0 ((273.00))	304.50	1.5 ((.56))	2.58	18.0 ((6.66))	6.57
3.2 ((+2.48))	13.92	8.1 ((31.59))	35.24	75.0 ((292.50))	326.25	1.6 ((.59))	2.62	19.0 ((7.03))	6.78
3.3 ((+2.87))	14.36	8.2 ((31.98))	35.67	80.0 ((312.00))	348.00	1.7 ((.63))	2.67	20.0 ((7.40))	6.97
3.4 ((+3.26))	14.79	8.3 ((32.37))	36.11	85.0 ((331.50))	369.75	1.8 ((.67))	2.71	21.0 ((7.77))	7.19
3.5 ((+3.65))	15.23	8.4 ((32.76))	36.54	90.0 ((351.00))	391.50	1.9 ((.70))	2.75	22.0 ((8.14))	7.38
3.6 ((+4.04))	15.66	8.5 ((33.15))	36.98	95.0 ((370.50))	413.25	2.0 ((.74))	2.79	23.0 ((8.51))	7.59
3.7 ((+4.43))	16.10	8.6 ((33.54))	37.41	100.0 ((390.00))	435.00	2.1 ((.78))	2.83	24.0 ((8.88))	7.80
3.8 ((+4.82))	16.53	8.7 ((33.93))	37.85	105.0 ((409.50))	456.75	2.2 ((.81))	2.87	25.0 ((9.25))	8.01
3.9 ((+5.21))	16.97	8.8 ((34.32))	38.28	110.0 ((429.00))	478.50	2.3 ((.85))	2.91	30.0 ((11.10))	8.22
4.0 ((+5.60))	17.40	8.9 ((34.71))	38.72	115.0 ((448.50))	500.25	2.4 ((.89))	2.95	35.0 ((12.95))	8.43
4.1 ((+5.99))	17.84	9.0 ((35.10))	39.15	120.0 ((468.00))	522.00	2.5 ((.93))	2.99	40.0 ((14.80))	8.64
4.2 ((+6.38))	18.27	9.1 ((35.49))	39.59	125.0 ((487.50))	543.75	2.6 ((.96))	3.03	45.0 ((16.65))	8.85
4.3 ((+6.77))	18.71	9.2 ((35.88))	40.02	130.0 ((507.00))	565.50	2.7 ((+0.00))	3.08	50.0 ((18.50))	9.06
4.4 ((+7.16))	19.14	9.3 ((36.27))	40.46	140.0 ((546.00))	609.00	2.8 ((+0.04))	3.12	55.0 ((20.35))	9.27
4.5 ((+7.55))	19.58	9.4 ((36.66))	40.89	150.0 ((585.00))	652.50	2.9 ((+0.07))	3.16	60.0 ((22.20))	9.48
4.6 ((+7.94))	20.01	9.5 ((37.05))	41.33	160.0 ((624.00))	696.00	3.0 ((+0.11))	3.20	65.0 ((24.05))	9.69
4.7 ((+8.33))	20.45	9.6 ((37.44))	41.76	170.0 ((663.00))	739.50	3.1 ((+0.15))	3.24	70.0 ((25.90))	9.90
4.8 ((+8.72))	20.88	9.7 ((37.83))	42.20	180.0 ((702.00))	783.00	3.2 ((+0.18))	3.28	75.0 ((27.75))	10.11
4.9 ((+9.11))	21.32	9.8 ((38.22))	42.63	190.0 ((741.00))	826.50	3.3 ((+0.22))	3.32	80.0 ((29.60))	10.32
				200.0 ((780.00))	870.00	3.4 ((+0.26))	3.36	85.0 ((31.45))	10.53
						3.5 ((+0.30))	3.40	90.0 ((33.30))	10.74
						3.6 ((+0.33))	3.44	95.0 ((35.15))	10.95
						3.7 ((+0.37))	3.49	100.0 ((37.00))	11.16
						3.8 ((+0.41))	3.53	105.0 ((38.85))	11.37
						3.9 ((+0.44))	3.57	110.0 ((40.70))	11.58
						4.0 ((+0.48))	3.61	115.0 ((42.55))	11.79
						4.1 ((+0.52))	3.65	120.0 ((44.40))	12.00
						4.2 ((+0.55))	3.69	125.0 ((46.25))	12.21
						4.3 ((+0.59))	3.73	130.0 ((48.10))	12.42
						4.4 ((+0.63))	3.77	135.0 ((50.00))	12.63
						4.5 ((+0.67))	3.81	140.0 ((51.85))	12.84
						4.6 ((+0.70))	3.85	145.0 ((53.75))	13.05
						4.7 ((+0.74))	3.90	150.0 ((55.60))	13.26
						4.8 ((+0.78))	3.94	155.0 ((57.50))	13.47
						4.9 ((+0.81))	3.98	160.0 ((59.40))	13.68
							4.02	165.0 ((61.30))	13.89
								170.0 ((63.20))	14.10
								175.0 ((65.10))	14.31
								180.0 ((67.00))	14.52
								185.0 ((68.90))	14.73
								190.0 ((70.80))	14.94
								195.0 ((72.70))	15.15
								200.0 ((74.60))	15.36

**AMENDATORY SECTION** (Amending Order 77-27, filed 11/30/77)

**WAC 296-20-155 CONVERSION FACTOR TABLE—PATHOLOGY.** This table is a conversion of the fee schedule unit values to fees in dollar amounts at ((@50.37)) \$0.41 per unit. This conversion factor is to be applied only to the pathology section of the fee section (([schedule])) schedule.

Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)	Unit Value ((@53.90) @54.35)
.1 .04	5.0 ((+0.85))	2.05	9.9 ((3.66))	4.06	4.2	1.68	9.1 ((3.37))	125.0 ((46.25))	45.10
.2 ((.07))	5.1 ((+0.89))	2.09	10.0 ((3.70))	4.10	4.3	1.72	9.2 ((3.40))	130.0 ((48.10))	45.30
.3 ((+0.11))	5.2 ((+0.92))	2.13	10.5 ((3.89))	4.31	4.4	1.76	9.3 ((3.44))	140.0 ((51.80))	45.50
.4 ((+0.15))	5.3 ((+0.96))	2.17	11.0 ((4.07))	4.51	4.5	1.80	9.4 ((3.48))	150.0 ((55.50))	45.70
.5 ((+0.19))	5.4 ((+1.00))	2.21	11.5 ((4.26))	4.72	4.6	1.85	9.5 ((3.52))	160.0 ((59.20))	45.90
.6 ((+0.23))	5.5 ((+1.04))	2.26	12.0 ((4.44))	4.92	4.7	1.89	9.6 ((3.55))	170.0 ((62.90))	46.10
.7 ((+0.26))	5.6 ((+1.07))	2.30	12.5 ((4.63))	5.13	4.8	1.93	9.7 ((3.59))	180.0 ((66.60))	46.30
.8 ((+0.30))	5.7 ((+1.11))	2.34	13.0 ((4.81))	5.33	4.9	1.97	9.8 ((3.63))	190.0 ((70.30))	46.50
.9 ((+0.33))	5.8 ((+1.15))	2.38	13.5 ((5.00))	5.54		2.01	4.02	195.0 ((72.20))	46.70
				5.74				200.0 ((74.10))	46.90

**AMENDATORY SECTION** (Amending Order 74-32, filed 6/21/74)

**WAC 296-20-220 SPECIAL RULES FOR EVALUATION OF PERMANENT BODILY IMPAIRMENT.** (1) Evaluations of permanent bodily impairment using categories require uniformity in procedure and terminology. The following rules have been enacted to produce this uniformity and shall apply to all evaluations of permanent impairment of an unspecified nature.

(a) Gradations of relative severity shall be expressed by the words "minimal", "mild", "moderate" and "marked" in an ascending scale. "Minimal" shall describe deviations from normal responses which are not medically significant. "Mild", "moderate" and "marked" shall describe ranges of medically significant deviations from normal responses. "Mild" shall describe the least severe third. "Moderate" shall describe the middle third. "Marked" shall describe the most severe third.

(b) "Permanent" describes those conditions which are fixed, lasting and stable, and from which within the limits of medical probability, further recovery is not expected.

(c) "Impairment" means a loss of physical or mental function.

(d) "Total bodily impairment", as used in these rules, is the loss of physical or mental function which is essentially complete short of death.

(e) The examining physician shall not assign a percentage figure for permanent bodily impairment described in the categories established herein.

(f) The method of evaluating impairment levels is by selection of the appropriate level of impairment. These descriptive levels are called "categories". Assessments of the level of impairment are to be made by comparing the condition of the injured workman with the conditions described in the categories and selecting the most appropriate category.

These rules and categories for various bodily areas and systems provide a comprehensive system for the measurement of disabling conditions which are not already provided for in the list of specified permanent partial disabilities in RCW 51.32.080(1). Disabilities resulting from loss of central visual acuity, loss of an eye by enucleation, loss of hearing, amputation or loss of function of the extremities will continue to be evaluated as elsewhere provided in RCW 51.32.080.

The categories have been classified in percentages in reasonable proportion to total bodily impairment for the purpose of determining the proper award. Provision has been made for correctly weighing the overall impairment due to particular injuries or occupational disease in cases in which there are preexisting impairments.

(g) The categories of the various bodily areas and systems are listed in the order of increasing impairment except as otherwise specified. Where several categories are given for the evaluation of the extent of permanent bodily impairment, the impairments in the higher numbered categories, unless otherwise specified, include the impairments in the lesser numbered categories. No category for a condition due to an injury shall be selected unless that condition is permanent as defined by these rules.

The examining physician shall select the one category which most accurately indicates the overall degree of permanent impairment unless otherwise instructed. Where there is language in more than one category which may appear applicable, the category which most accurately reflects the overall impairment shall be selected.

The categories include appropriate subjective complaints in an ascending scale in keeping with the severity of objective findings, thus a higher or lower category is not to be selected purely on the basis of unusually great or minor complaints.

(h) When the examination discloses a preexisting permanent bodily impairment in the area of the injury, the examining physician shall report the findings and any category of impairment appropriate to the workman's condition prior to his industrial injury in addition to the findings and the categories appropriate to the workman's condition after the injury.

(i) Objective physical or clinical findings are those findings on examination which are independent of voluntary action and can be seen, felt, or consistently measured by examining physicians.

(j) Subjective complaints or symptoms are those perceived only by the senses and feelings of the person being examined which cannot be independently proved or established.

(k) Muscle spasm as used in these rules is an involuntary contraction of a muscle or group of muscles of a more than momentary nature.

(l) An involuntary action is one performed independently of the will.  
(m) These special rules for evaluation of permanent bodily impairment shall apply to all examinations for the evaluation of impairment, in accordance with RCW 51.32.080, for the body areas or systems covered by or enumerated in WAC 296-20-230 through 296-20-660.

(n) The rules for evaluation of each body area or system are an integral part of the categories for that body area or system.

(o) In cases of injury or occupational disease of bodily areas and/or systems which are not included in these categories or rules and which do not involve loss of hearing, loss of central visual acuity, loss of an eye by enucleation or loss of the extremities or use thereof, examining physicians shall determine the impairment of such bodily areas and/or systems in terms of percentage of total bodily impairment.

(p) The words used in the categories of impairments, in the rules for evaluation of specific impairments, the general rules, and the special rules shall be deemed, unless the context indicates the contrary, to have their general and accepted medical meanings.

(q) The rating of impairment due to total joint replacement shall be in accordance with the limitation of motion guidelines as set forth in the "Guides to the Evaluation of Permanent Impairment" of American Medical Association, with department of labor and industries acknowledgement of responsibility for failure of prostheses beyond the seven year limitation.

**AMENDATORY SECTION** (Amending Order 78-23, filed 11/27/78)

**WAC 296-17-330 OFFICERS OR MEMBERS OF A CORPORATE EMPLOYER.** As used in this manual, the terms "member" and "officer" are synonymous and mean ((the)) any executive officer((s)) elected ((or appointed)) and empowered in accordance with the ((charter and bylaws of such corporation)) articles of incorporation or bylaws of a corporation and who is also a director and shareholder of the corporation.

All such regularly constituted executive officers ((shall be regarded as employees for the purpose of this rule except those who do not have regular duties and who do not receive remuneration for service rendered. Any executive officer)) who have not voluntarily elected to withdraw from coverage or who have been included for coverage in accordance with RCW 51.12.020 and RCW 51.12.110 shall be included in the corporation's statement of payroll (on a form prescribed by the department) and premium shall be charged thereon. Any such regularly constituted executive officer who is compensated by means of a wage or a salary for work performed for the corporation shall be regarded as an employee. For the purpose of this rule, wages or salary shall be construed as meaning earnings of any kind, actual or anticipated.

The statement of payroll so developed of each executive officer shall be assigned to Classification 71-1, WAC 296-17-754: PROVIDED, HOWEVER, That the statement of payroll of each executive officer who performs such duties as are ordinarily undertaken by a superintendent, foreman, or worker, shall be assigned as provided in this manual of an individual employee who is not an executive officer: PROVIDED FURTHER, That no executive officer will be assigned the "clerical office" classification: PROVIDED FURTHER, In case the employer's business is subject to a classification which specifically includes clerical office or salesmen, and the corporate officer's duties are primarily in connection with such business, the classification assigned to the business shall apply with respect to any such executive officer.

**AMENDATORY SECTION** (Amending Order 76-36, filed 11/30/76)**WAC 296-17-501 CLASSIFICATION 1-1.**

Highway, street and road construction, N.O.C., includes all operations such as grading, grubbing, clearing, surfacing, striping, guard rails, highway dividers, highway lighting and highway signs installation, excludes bridges and logging roads. See Class 2-1 (WAC 296-17-508) and/or Class 69-2 (WAC 296-17-747)

Airports, landing strips, runways and taxi ways, construction and repair

Excavation, N.O.C.

Grading, N.O.C. - including land leveling and grading of farm lands by contractor

Land clearing, N.O.C., firefighting, N.O.C.

~~((Coaxial cable and conduit underground construction, maintenance and repair – including use of automatic cable laying equipment and including television cable, N.O.C.))~~

~~Diking, N.O.C.~~

~~((Ditches and canals, N.O.C.~~

~~Pipelaying, including underground irrigation systems, N.O.C.))~~

~~Pit, crusher and bunker operations in connection with road, street and highway construction~~

~~Railroads, construction, maintenance and repair, N.O.C., including dismantling. Excludes bridges and log railroads~~

~~Retaining walls with road, street and highway construction, N.O.C.~~

~~((Trenches and sewers, construction, N.O.C.))~~

~~Tunnels and approaches including lining~~

~~Humus or peat digging – including humus or peat dealers~~

~~Sand or gravel, or shale digging~~

~~Oil spill clean-up involving diking and/or ditching work will be rated with diking, N.O.C.~~

~~Slope grooming and forest trail construction will be rated with land clearing~~

~~Cofferdam work and shaft sinking and well digging with caisson will be rated under tunnels and approaches, except where subject to dam construction classification~~

~~See Class 52-6 (WAC 296-17-675) for permanent yard operations.~~

#### NEW SECTION

WAC 296-17-50601 CLASSIFICATION 1-7.

Coaxial cable and conduit underground construction, maintenance and repair – including use of automatic cable laying equipment and including television cable, N.O.C.

Pipelaying, N.O.C.

#### NEW SECTION

WAC 296-17-50602 CLASSIFICATION 1-8.

Ditches and canals, N.O.C.

Trenches and sewers, construction, N.O.C.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-510 CLASSIFICATION 3-1.

Chemical spraying and fumigating

Landscaping and lawn care

Landscape gardening will also include sodding, seeding, planting, and related landscape work necessary for the beautification of median strips and road sides

~~Lawn-type sprinkler systems installation ((when done by landscaping contractor as part of landscaping contract will be rated under landscaping and lawn care)). Agricultural-type sprinkler and irrigation system installation. Excludes ditches and canals subject to Class 1-8 (WAC 296-17-50602).~~

AMENDATORY SECTION (Amending Order 77-27, filed 11/30/77)

WAC 296-17-567 CLASSIFICATION 24-1.

Paper or pulp manufacturing, wood fibre manufacturing

~~((Paper box manufacturing, solid paper boxes~~

~~Paper box manufacturing, folding paper boxes))~~

Corrugated and fibre board container manufacturing, including corrugating and laminating of paper

Paper coating, corrugating, laminating or oiling

Paper goods, N.O.C., manufacturing

Building and roofing paper or felt preparation, no manufacturing felt.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-580 CLASSIFICATION 34-2.

Air compressor manufacturing, elevator manufacturing, gear grinding or manufacturing

Printing or bookbinding machinery manufacturing

Pump manufacturing, safe manufacturing, scale manufacturing or repair shop, auto jack manufacturing

Shoe machinery manufacturing, sprinkler head manufacturing, textile machinery manufacturing

Confectioners machinery manufacturing, precision machined parts, N.O.C., manufacturing

Machine shops, N.O.C., including mobile shops, tool sharpening

Power saw, lawn and garden equipment and small motor repair, N.O.C.

Boilermaking, tank building

Metal goods manufacturing from material 9 gauge or heavier

Furnace, heater or radiator manufacturing

Saw manufacturing

Heat treating metal

Nut, bolt, screw, nail, tack, rivet, eyelet, spike and needle manufacturing

Iron or steel works, shop, fabricate or assemble structural iron or steel

Abrasive wheel manufacturing

Welding or cutting, N.O.C.

Lead burning, metal spraying – copper

Automobile, truck, tractor radiator manufacturing and repair shops

Coppersmithing, shop

Office machinery manufacturing, N.O.C., cash register and sewing machine manufacturing

Small arms, speedometer and carburetor manufacturing

Sewing machine, commercial – repair and rebuild

~~((Instrument manufacturing, scientific or professional sound recording equipment, thermometer and steam gauge manufacturing))~~

Iron works – shop – manufacturing railings, staircases, fire escapes, etc.

Brass, bronze, iron – ornamental – shop fabricating, assemble and manufacturing

Iron works – shop – fabricate, assemble or manufacturing nonstructural iron or steel

Tool manufacturing, not hot forming or stamping, die manufacturing – ferrous

Auto body manufacturing – truck, trailer, bus body manufacturing, travel trailer body repair

Steam cleaning portable, N.O.C., no buildings or structures

Tool manufacturing, machine finishing

Auto or truck parts, machining or rebuild not in vehicle

Auto or truck engine manufacturing, aircraft engine manufacturing or rebuild, N.O.C.

Bed spring or wire mattress manufacturing

Valve manufacturing.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73)

WAC 296-17-583 CLASSIFICATION 34-6.

Auto or truck service stations, ~~((car washes))~~ N.O.C.

Auto or truck car washes

Auto truck storage garages – no repair.

#### NEW SECTION

WAC 296-17-58501 CLASSIFICATION 34-9.

Self service gas stations

This class applies to service stations that are completely self service with no employees performing a direct service of any kind to customer's vehicle.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75)

WAC 296-17-594 CLASSIFICATION 36-2.

Electronic products manufacturing; resistors, capacitors and relays manufacturing

Telephone, telegraph or radio apparatus manufacturing, N.O.C.

Dental laboratories

Jewelry manufacturing or engraving

Electronic parts assembly

Electrical cordset radio and ignition assembly

Watch manufacturing

Motion picture projectors and camera repair

Assembly of fishing tackle, flies, lures and spinners

Instrument manufacturing, scientific or professional

Sound recording equipment, thermometer and steam gauge manufacturing

Incandescent lamp manufacturing, electric tube or transistor manufacturing

This class does not apply to the production of raw material for use in the manufacturing of the above articles.

All operations.

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73)

WAC 296-17-614 CLASSIFICATION 39-1.

~~Bakeries (cracker or potato chip manufacturing  
Ravioli or tamale manufacturing~~

~~Macaroni manufacturing~~

~~Confectionery and chewing gum manufacturing~~

~~Cough drop manufacturing.) All operations~~

This class applies only to those bakeries that sell all products on premises of the bakery and with no transporting goods from premises.

NEW SECTION

WAC 296-17-61801 CLASSIFICATION 39-6.

Bakeries, cracker or potato chip manufacturing, N.O.C.

Ravioli or tamale manufacturing

Macaroni manufacturing

Confectionery and chewing gum manufacturing

Cough drop manufacturing

All operations.

AMENDATORY SECTION (Amending Order 75-38, filed 11/24/75)

WAC 296-17-620 CLASSIFICATION 41-1.

Printing, lithography, engraving, map printing, N.O.C.

Rubber stamp manufacturing and assembling

Bookbinding, with printing

((Dental laboratories

Jewelry manufacturing or engraving

Electronic parts assembly

Electrical cordset, radio and ignition assembly

Watch manufacturing))

Photoengraving

((Motion picture projectors and camera repair

Assembly of fishing tackle—flies, lures and spinners)).

AMENDATORY SECTION (Amending Order 73-22, filed 11/9/73)

WAC 296-17-651 CLASSIFICATION 49-2.

State employees – clerical office and professional, N.O.C.

This class includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government. See Classes 49-6 (WAC 296-17-655), 53-7 (WAC 296-17-764), 71-3 (WAC 296-17-756) and 72-1 (WAC 296-17-763) for other state employees.

NEW SECTION

WAC 296-17-67901 CLASSIFICATION 53-7.

State employees – Nonprofessional, N.O.C.

This class includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government

For the purpose of this rule, nonprofessional means persons having duties performing manual labor. Including persons having duties such as custodial or maintenance, machinery or equipment operators. See Classes 49-2 (WAC 296-17-651), 49-6 (WAC 296-17-655), 72-1 (WAC 296-17-763), and 71-3 (WAC 296-17-756) for other state employees.

AMENDATORY SECTION (Amending Order 76-36, filed 11/30/76)

WAC 296-17-698 CLASSIFICATION 63-3.

Salesmen, N.O.C. – outside

Collectors, messengers, appraisers, estimators, public relations, counsellors, N.O.C.

((Real estate salesmen—outside))

Insurance salesmen and claims adjustors – outside

Machinery salesmen – outside – construction, mining, heavy equipment

Farm machinery salesmen – outside.

AMENDATORY SECTION (Amending Order 74-40, filed 11/27/74)

WAC 296-17-738 CLASSIFICATION 67-7.

Football teams, N.O.C.

Hockey teams

Roller derbies

Contact sports, N.O.C.

This class applies to professional contact sports and includes umpires, referees, playing coaches and managers.

AMENDATORY SECTION (Amending Order 77-27, filed 11/30/77)

WAC 296-17-753 CLASSIFICATION 69-8.

Envelope or stationery manufacturing

Paper or plastic bag, abrasive paper and wallpaper manufacturing

Carbon paper, crepe paper and typewriter ribbon manufacturing

Paper box manufacturing, solid paper boxes

Paper box manufacturing, folding paper boxes

All operations including printing on products being manufactured.

NEW SECTION

WAC 296-17-755 CLASSIFICATION 71-2.

Football teams. This class applies to football teams which are participants in the national football league and includes playing coaches and managers.

NEW SECTION

WAC 296-17-756 CLASSIFICATION 71-3.

State employees—Law enforcement officers

This class includes all departments, agencies, boards, commissions and committees of either the executive, legislative or judicial branches of state government, including employees having arrest powers or such other powers common to law enforcement, such as state patrolmen, game wardens, guards or correctional officers of inmates.

NEW SECTION

WAC 296-17-757 CLASSIFICATION 71-4.

Temporary help companies

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customer's business is by nature enumerated in this manual as being subject to any of the following classes: 13-4 (WAC 296-17-541), 49-1 (WAC 296-17-650), 49-2 (WAC 296-17-651), 49-3 (WAC 296-17-652), 49-4 (WAC 296-17-653), 49-6 (WAC 296-17-655), 53-1 (WAC 296-17-677), 53-5 (WAC 296-17-678), 53-6 (WAC 296-17-679), 61-3 (WAC 296-17-680), 61-9 (WAC 296-17-686), 63-3 (WAC 296-17-698), 65-1 (WAC 296-17-714), 65-2 (WAC 296-17-715), 65-6 (WAC 296-17-719), 72-2 (WAC 296-17-764).

NEW SECTION

WAC 296-17-758 CLASSIFICATION 71-5.

Temporary help companies

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customers' business is by nature enumerated in this manual as being subject to any of the following classes: 13-3 (WAC 296-17-540), 22-1 (WAC 296-17-565), 22-2 (WAC 296-17-566), 34-3 (WAC 296-17-581), 34-5 (WAC 296-17-58201), 34-6 (WAC 296-17-583), 34-8 (WAC 296-17-585), 36-2 (WAC 296-17-594), 37-1 (WAC 296-17-599), 37-3 (WAC 296-17-601), 37-7 (WAC 296-17-603), 37-8 (WAC 296-17-604), 38-1 (WAC 296-17-605), 38-2 (WAC 296-17-606), 38-3 (WAC 296-17-607), 38-4 (WAC 296-17-608), 38-5 (WAC 296-17-609), 38-6 (WAC 296-17-610), 38-8 (WAC 296-17-612), 38-9 (WAC 296-17-613), 39-5 (WAC 296-17-618), 41-1 (WAC 296-17-

620), 41-2 (WAC 296-17-621), 41-3 (WAC 296-17-622), 41-4 (WAC 296-17-623), 41-5 (WAC 296-17-624), 41-6 (WAC 296-17-625), 41-7 (WAC 296-17-626), 41-8 (WAC 296-17-627), 41-9 (WAC 296-17-628), 45-1 (WAC 296-17-637), 45-2 (WAC 296-17-638), 45-3 (WAC 296-17-639), 45-4 (WAC 296-17-640), 49-5 (WAC 296-17-654), 52-7 (WAC 296-17-676), 53-7 (WAC 296-17-764), 61-5 (WAC 296-17-682), 61-7 (WAC 296-17-684), 62-1 (WAC 296-17-687), 62-3 (WAC 296-17-689), 62-4 (WAC 296-17-690), 62-5 (WAC 296-17-691), 62-6 (WAC 296-17-692), 62-9 (WAC 296-17-695), 63-1 (WAC 296-17-696), 63-2 (WAC 296-17-697), 63-4 (WAC 296-17-699), 63-5 (WAC 296-17-700), 63-6 (WAC 296-17-701), 63-8 (WAC 296-17-703), 63-9 (WAC 296-17-704), 64-2 (WAC 296-17-706), 64-3 (WAC 296-17-707), 64-4 (WAC 296-17-708), 64-5 (WAC 296-17-709), 64-6 (WAC 296-17-710), 64-7 (WAC 296-17-711), 65-3 (WAC 296-17-716), 65-4 (WAC 296-17-717), 65-5 (WAC 296-17-718), 65-7 (WAC 296-17-720), 65-8 (WAC 296-17-721), 65-9 (WAC 296-17-722), 66-1 (WAC 296-17-723), 66-3 (WAC 296-17-725), 66-4 (WAC 296-17-726), 66-5 (WAC 296-17-727), 66-7 (WAC 296-17-729), 67-4 (WAC 296-17-735), 67-9 (WAC 296-17-740), 69-9 (WAC 296-17-75301).

**NEW SECTION****WAC 296-17-759 CLASSIFICATION 71-6.****Temporary held companies**

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customers' business is by nature enumerated in this manual as being subject to any of the following classes: 3-1 (WAC 296-17-510), 8-3 (WAC 296-17-529), 11-3 (WAC 296-17-538), 13-1 (WAC 296-17-539), 14-3 (WAC 296-17-543), 14-4 (WAC 296-17-544), 15-1 (WAC 296-17-545), 15-7 (WAC 296-17-546), 20-2 (WAC 296-17-555), 20-3 (WAC 296-17-556), 20-4 (WAC 296-17-557), 20-5 (WAC 296-17-558), 20-6 (WAC 296-17-559), 20-7 (WAC 296-17-560), 20-8 (WAC 296-17-561), 21-1 (WAC 296-17-562), 21-2 (WAC 296-17-563), 21-4 (WAC 296-17-564), 33-9 (WAC 296-17-578), 34-1 (WAC 296-17-579), 34-7 (WAC 296-17-584), 35-1 (WAC 296-17-586), 35-3 (WAC 296-17-587), 35-8 (WAC 296-17-592), 37-2 (WAC 296-17-600), 39-1 (WAC 296-17-614), 44-1 (WAC 296-17-635), 44-4 (WAC 296-17-636), 48-2 (WAC 296-17-643), 48-3 (WAC 296-17-644), 48-4 (WAC 296-17-645), 48-5 (WAC 296-17-646), 48-6 (WAC 296-17-647), 48-8 (WAC 296-17-649), 48-9 (WAC 296-17-64901), 53-7 (WAC 296-17-764), 61-4 (WAC 296-17-681), 61-8 (WAC 296-17-685), 62-2 (WAC 296-17-688), 62-8 (WAC 296-17-694), 64-8 (WAC 296-17-712), 64-9 (WAC 296-17-713), 66-2 (WAC 296-17-724), 66-8 (WAC 296-17-730), 67-6 (WAC 296-17-737), 68-1 (WAC 296-17-741), 68-2 (WAC 296-17-742), 68-4 (WAC 296-17-744), 69-8 (WAC 296-17-753), 72-1 (WAC 296-17-763).

**NEW SECTION****WAC 296-17-760 CLASSIFICATION 71-7.****Temporary help companies**

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customers' business is by nature enumerated in this manual as being subject to any of the following classes: 3-6 (WAC 296-17-512), 3-7 (WAC 296-17-513), 5-3 (WAC 296-17-518), 6-1 (WAC 296-17-522), 6-2 (WAC 296-17-523), 6-3 (WAC 296-17-524), 6-6 (WAC 296-17-526), 6-7 (WAC 296-17-527), 9-2 (WAC 296-17-533), 11-1 (WAC 296-17-536), 14-1 (WAC 296-17-542), 18-1 (WAC 296-17-552), 24-1 (WAC 296-17-567), 29-3 (WAC 296-17-568), 29-4 (WAC 296-17-569), 29-6 (WAC 296-17-570), 31-1 (WAC 296-17-571), 31-2 (WAC 296-17-572), 31-3 (WAC 296-17-573), 31-4 (WAC 296-17-574), 31-5 (WAC 296-17-575), 33-1 (WAC 296-17-576), 33-2 (WAC 296-17-57601), 33-3 (WAC 296-17-57602), 34-2 (WAC 296-17-580), 34-4 (WAC 296-17-582), 36-1 (WAC 296-17-593), 36-3 (WAC 296-17-595), 36-4 (WAC 296-17-596), 36-5 (WAC 296-17-597), 36-6 (WAC 296-17-598), 39-2 (WAC 296-17-615) 39-3 (WAC 296-17-616), 39-4 (WAC 296-17-617), 40-2 (WAC 296-17-619), 42-1 (WAC 296-17-629), 43-1 (WAC 296-17-630), 43-2 (WAC 296-17-631), 43-3 (WAC 296-17-632), 43-4 (WAC 296-17-633), 46-1 (WAC 296-17-641), 51-1

(WAC 296-17-661), 51-2 (WAC 296-17-662), 51-3 (WAC 296-17-663), 51-4 (WAC 296-17-664), 51-5 (WAC 296-17-665), 51-6 (WAC 296-17-666), 51-7 (WAC 296-17-667), 51-8 (WAC 296-17-668), 51-9 (WAC 296-17-669), 52-1 (WAC 296-17-670), 52-2 (WAC 296-17-671), 52-3 (WAC 296-17-672), 52-4 (WAC 296-17-673), 52-5 (WAC 296-17-674), 67-5 (WAC 296-17-736).

**NEW SECTION****WAC 296-17-761 CLASSIFICATION 71-8.****Temporary help companies**

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customers' business is by nature enumerated in this manual as being subject to any of the following class: 1-1 (WAC 296-17-501), 1-2 (WAC 296-17-502), 1-3 (WAC 296-17-503), 1-4 (WAC 296-17-504), 1-5 (WAC 296-17-505), 1-6 (WAC 296-17-506), 1-9 (WAC 296-17-507), 3-2 (WAC 296-17-511), 4-1 (WAC 296-17-514), 4-2 (WAC 296-17-515), 4-3 (WAC 296-17-516), 5-2 (WAC 296-17-517), 5-4 (WAC 296-17-519), 5-5 (WAC 296-17-520), 5-8 (WAC 296-17-521), 6-4 (WAC 296-17-525), 7-1 (WAC 296-17-528), 8-4 (WAC 296-17-530), 9-1 (WAC 296-17-532), 10-2 (WAC 296-17-534), 10-3 (WAC 296-17-535), 11-2 (WAC 296-17-537), 17-3 (WAC 296-17-550), 17-4 (WAC 296-17-551), 35-6 (WAC 296-17-590), 43-5 (WAC 296-17-634), 52-6 (WAC 296-17-675), 62-7 (WAC 296-17-693), 66-9 (WAC 296-17-731), 69-2 (WAC 296-17-747), 69-4 (WAC 296-17-749), 69-5 (WAC 296-17-750), 69-7 (WAC 296-17-752), 71-3 (WAC 296-17-756).

**NEW SECTION****WAC 296-17-762 CLASSIFICATION 71-9.****Temporary help companies**

This class applies to employees of Temporary Help Companies, N.O.C., that are referred on a temporary basis to its customers. This class applies if the customer's business is by nature enumerated in this manual as being subject to any of the following classes: 2-1 (WAC 296-17-508), 2-2 (WAC 296-17-509), 17-1 (WAC 296-17-548), 17-2 (WAC 296-17-549), 50-1 (WAC 296-17-659), 50-2 (WAC 296-17-660), 50-3 (WAC 296-17-66001), 68-3 (WAC 296-17-743), 69-3 (WAC 296-17-748).

**NEW SECTION****WAC 296-17-763 CLASSIFICATION 72-1. State employees - Health Care facilities**

This class applies to all employees of Health Care facilities who are assigned to and regularly employed at a health care facility.

**NEW SECTION****WAC 296-17-764 CLASSIFICATION 72-2.**

Real estate agencies - all operations including clerical office and salesmen  
Excludes building management and/or property development.

**AMENDATORY SECTION (Amending Order 76-18, filed 5/28/76)**

**WAC 296-17-850 EXPERIENCE RATING PLAN—ELIGIBILITY AND EXPERIENCE PERIOD.** (1) Eligibility. Each employer who has reported experience during more than one fiscal year of the "experience period" shall have his base rates multiplied by an "experience modification" calculated in accordance with the rules of this Manual. The development of the "experience modification" as set forth in WAC 296-17-855 shall include losses and exposure reported in all risk classes: PROVIDED, That the "experience modification" determined in accordance with WAC 296-17-855 shall not apply to industrial insurance rates in the following classes: 5-5 (WAC 296-17-520)((:)) and 48-7 (WAC 296-17-648)((:; 67-7 (WAC 296-17-738); 67-8 (WAC 296-17-739) and 68-9 (WAC 296-17-745))). Employer premiums in the foregoing classes shall be computed at base industrial insurance rates as set forth in WAC 296-17-895.

(2) Experience Period. The "experience period" shall be the oldest three of the four fiscal years preceding the effective date of premium rates as set forth in WAC 296-17-895.

**AMENDATORY SECTION** (Amending Order 77-27, filed 11/30/77)

**WAC 296-17-855 EXPERIENCE MODIFICATION.** The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for ~~((use of a transition adjustment factor as specified elsewhere in this Manual))~~ an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$B \quad \text{MODIFICATION} = \frac{A_p + W A_e (-) \pm (1-W) E_e (-) \pm}{E + B}$$

The components  $A_p$ ,  $W A_e$ , and  $(1-W) E_e$  are values which shall be charged against an employer's experience record. The component,  $E$ , shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

" $A_p$ " signifies "primary actual losses". For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of ~~((\\$2000))~~ \$2,690, the primary actual loss shall be determined from the formula:

$$\text{Primary loss} = \frac{\del{((+0000))} \ 6,726}{\text{Total loss} + \del{((8000))} \ 4,036} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than ~~((\\$2000))~~ \$2,690 the full value of the claim shall be considered a primary loss.

" $A_e$ " signifies "excess actual losses". For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

" $W$ " signifies "W value". For each employer, the  $W$  value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol " $W A_e$ " in the experience modification formula.  $W$  values are set forth in Table II.

" $E$ " signifies "expected losses". An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

" $E_e$ " signifies "expected excess losses". Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses". Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by " $(1-W) E_e$ " in the experience modification formula. D-Ratios are set forth in Table III.

" $B$ " signifies "B value" or "ballast". In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element ( $B$  value) shall be added to both actual and expected losses.  $B$  values are set forth in Table II.

**AMENDATORY SECTION** (Amending Order 74-40, filed 11/27/74)

**WAC 296-17-860 TRANSITION ADJUSTMENT.** In the event that an employer has no compensable accidents during the experience period and the experience modification calculated in accordance with WAC 296-17-855 is greater than ~~((.85))~~ the experience modification shown in Table IV, WAC 296-17-890 then such modification shall be reduced to ~~((.85))~~ the value shown in Table IV. For the purpose of this rule, a compensable accident is defined as one which has resulted in, or

is expected to result in, time loss compensation, permanent disability or death.

**NEW SECTION**

**WAC 296-17-873 STRUCTURE OF EMPLOYER CHANGES—EXPERIENCE RATING.** WAC 296-17-873 through 296-17-87309 governs combination of entities and status changes of ownership for purposes of experience rating.

**NEW SECTION**

**WAC 296-17-87301 DEFINITIONS.** The definitions in this section shall apply throughout WAC 296-17-873 through 296-17-87309.

(1) "Entity" means an individual, partnership, corporation, unincorporated association, or fiduciary operation (e.g. trust, receivership, or estate of deceased individual).

(2) "Immediate family member" as used in this rule means father, mother, husband, wife, son, daughter, stepson, stepdaughter, grandson, or granddaughter.

(3) "Majority interest" means more than fifty percent interest. If an entity other than a partnership:

(a) Has issued voting stock, majority interest means a majority of the issued voting stock. If all stock issues do not have the same number of votes per share, majority interest means a majority of the voting rights;

(b) Has not issued voting stock, majority interest means a majority of the members;

(c) Has not issued voting stock and has no members, a majority interest means a majority of the board of directors or comparable governing body.

If an entity is a partnership, majority interest means more than one-half of the general partners.

(4) "Joint venture" means a combination of two or more entities, entered into for the purpose of carrying to completion a specific job of limited duration.

**NEW SECTION**

**WAC 296-17-87305 CHANGE IN OWNERSHIP.** (1) For the purpose of WAC 296-17-873 through 296-17-87309 management is considered to be vested in ownership. Except as specifically provided otherwise herein, ownership whether active or inactive, governs the administration of WAC 296-17-873 through 296-17-87309, and the words "nominal" and "material" denote respectively the effect of a particular change in ownership. If a change has occurred which the provisions of subsections (2) through (5) of this section denominate "nominal," the experience of the past shall be utilized for future modification. If, on the other hand, the change is denominated "material," the past experience shall be disregarded and the risk written at manual or otherwise applicable rates.

In application of WAC 296-17-873 through 296-17-87309, ownership changes of any entity which is neither a partnership, a joint venture, nor a corporation that has issued voting stock shall be decided in accordance with the provisions of subsections (2) through (5) of this section applicable to corporations. The provisions of sections (2) through (5) of this section shall be applied as though the entity has issued voting stock and the stock was:

(a) Held in equal amounts by each of its members; or

(b) If the entity does not have members, held in equal amounts by each member of the board of directors or comparable governing body.

Two or more changes during a twelve-month period shall be considered as a single change.

The department shall in each case determine from the applicable provisions of subsections (2) through (5) of this section whether a change is "nominal" or "material," and if no provision of subsections (2) through (5) of this section is expressly applicable it shall be governed by a consideration of WAC 296-17-873 through 296-17-87309 as a whole and of its several parts interpreted in the light of such relevant evidence as is offered.

(2) Individual.

(a) Death of an individual is a material change. Exception: Where a member or members of the immediate family take over the business, either as the executor, executrix, administrator, or sole owner the change is nominal.

(b) Sale of business to another is a material change. Exception: Where the sale is made to a member or members of the immediate family the change is nominal.



- (c) Bankruptcy or insolvency with:
- (i) Continued operation with appointment of a trustee is a nominal change;
  - (ii) Withdrawal of the trustee and reversion to the original owner is a nominal change;
  - (iii) Withdrawal of a trustee but with new owners is a material change.
- (d) Formation of a living estate is a nominal change.
- (e) Formation of a partnership is a material change. Exceptions:
- (i) A partnership composed of only two general partners is a nominal change;
  - (ii) A partnership composed of members of an immediate family is a nominal change;
  - (iii) A limited partnership in which the individual is one of not more than two general partners is a nominal change.
- (f) Formation of a corporation is a material change. Exception: If the individual or members of his immediate family own one-half or more of the issued voting stock the change is nominal.
- (3) Partnership.
- (a) Sale, conveyance, transfer, or assignment of partnership interest by one or more partners and the partnership not dissolved is a material change. Exceptions:
- (i) If prior to the change all partners were members of an immediate family and after the change one-half or more of the general partners are members of such immediate family the change is nominal;
  - (ii) If one-half or more of the general partners prior to the change constitute one-half or more of the general partners after the change the change is nominal.
- (b) If the partnership is dissolved the change is material. Exceptions:
- (i) In a partnership wherein all partners were members of an immediate family and one or more of the members of such family constitute one-half or more of the general partners in the new partnership, or own one-half or greater interest in the new entity or entities if they are not partnerships the change is nominal;
  - (ii) If one-half or more of the general partners of the dissolved partnership constitute one-half or more of the general partners in the new partnership or own a one-half or greater interest in the new entity or entities if they are not a partnership the change is nominal.
- (c) Bankruptcy or insolvency.
- (i) Continued operation with appointment of a trustee is a nominal change.
  - (ii) Withdrawal of a trustee and reversion to one-half or more of the original general partners is a nominal change.
  - (iii) Withdrawal of a trustee with the original general partners not constituting one-half or more of the owners is a material change.
- (4) Corporations.
- (a) Old corporation dissolved or nonoperative, not a merger or consolidation.
- (i) Formation of a new corporation is a material change. Exceptions:
    - (A) If the stockholders common to both the dissolved or nonoperative corporation and the newly formed corporation own or owned one-half or more of the issued voting stock in the old corporation and own one-half or more of the issued voting stock in the newly formed corporation the change is nominal;
    - (B) If the nonoperative corporation owns one-half or more of the issued voting stock of the newly formed corporation the change is nominal;
  - (C) In a family corporation (meaning a corporation whose entire issued voting stock is held by the members of an immediate family) only those changes may be considered which involve the acquisition of ownership by a person not a member of such immediate family.
    - (ii) Reversion to an individual is a material change. Exceptions:
      - (A) If the individual owns or owned one-half or more of the issued voting stock of the dissolved or nonoperative corporation the change is nominal;
      - (B) If the individual was a member of an immediate family which wholly owned the corporation the change is nominal.
    - (iii) Reversion to a partnership is a material change. Exceptions:
      - (A) If the stockholders who own or owned one-half or more of the issued voting stock of the dissolved or nonoperative corporation constitute one-half or more of the general partners the change is nominal;
      - (B) If the corporation was wholly owned by members of an immediate family and a member or members of that immediate family constitute one-half or more of the general partners the change is nominal.
    - (b) Transfer of voting stock, not otherwise provided for in subsections (2) through (5) of this section.

- (i) If one-half or less of issued voting stock is transferred the change is nominal.
  - (ii) If more than one-half of issued voting stock is transferred the change is material. Exception: If the stockholders who own or owned one-half or more of the issued voting stock prior to such sale own one-half or more of the issued voting stock after such sale the change is nominal.
  - (iii) In a family corporation (meaning a corporation whose entire issued voting stock is held by the members of an immediate family) only those changes shall be considered which involve the acquisition of ownership by a person not a member of such immediate family.
- (c) Trustees, receiverships, and similar temporary changes of management are nominal changes.
- (d) In the case of consolidations or mergers of corporations the experience of all consolidated or merged corporations shall be combined for computing the modification for the consolidated or surviving corporation.
  - (5) Joint ventures.
    - (a) Any change in the membership of the joint venture is a material change.
    - (b) A nominal change in the ownership of one of the joint venturers is a nominal change.
    - (c) A material change in the ownership of one of the joint venturers is a material change.
    - (d) The experience of a joint venture shall be continued for other operations which may be undertaken, as a joint venture, by the same group of joint venturers, either during the same time as the original venture or at a later date.
    - (e) Members of a joint venture may subcontract part or all of their operations to one or more of the joint venturers. Work thus subcontracted becomes a regular part of the subcontractor's operations and is subject to his experience modification.

#### NEW SECTION

WAC 296-17-87306 COMBINATION OF ENTITIES. Separate entities shall be combined for experience rating purposes when the same person or persons and/or a single corporation owns a majority interest in each of the entities.

NOTE: If two or more different combinations are possible in accordance with the provisions of this section, the combination producing the greatest amount of expected losses during the experience period shall be made. The experience of any entity used in such combinations may not be otherwise used in combination with any other entity. The experience used in a rating of combination shall be subject to the provisions of WAC 296-17-87305 (Change in Ownership).

#### Exceptions:

- (1) Individual trusts may not be combined for experience rating purposes with operations of the trustee nor with the operations of any other trusts. However, two or more trusts having identical trustees and also having identical beneficiaries shall be combined.
- (2) Joint venture operations may not be combined with the operations of any other entity, even though the members of the joint venture are identically owned.

This section applies only where the entities are or have been operating and insured concurrently in Washington. It does not apply where concurrent operations are for a short period of time, not exceeding one year, if the operation of the original entity during the period both entities were operating, was restricted to the completion of contracts entered into prior to the new entity commencing operations.

#### NEW SECTION

WAC 296-17-87307 REVISION OR WITHDRAWAL OF EXPERIENCE MODIFICATIONS. Experience modifications are not subject to revision or withdrawal because of the application of WAC 296-17-87305 or 296-17-87306 unless one of the following applies:

- (1) Written notice to the department has been made by the affected entity or entities advising of the change of ownership status or the common ownership of a combination of entities: PROVIDED, That the effective date of any such revision or withdrawal that would affect the premium covering any periods prior to the calendar quarter during which such notice in writing was furnished the department, will be at the department's discretion to assure that no entity or entities will evade an unfavorable cost;

(2) The foregoing subsection (1) will apply in the absence of written notice to the department if the department determines the facts that would otherwise have been supplied by such written notice.

**NEW SECTION**

**WAC 296-17-87308 EXPERIENCE MODIFICATION.** WAC 296-17-873 through 296-17-87309 do not permit the establishment of more than one experience modification on a single risk at the same time.

**NEW SECTION**

**WAC 296-17-87309 CLASSIFICATION ASSIGNMENTS—APPLICABILITY.** All rules in this Manual governing assigning of classifications shall apply with respect to entities that are combined for experience rating purposes in the same manner as though the combination of entities were a single employer.

**AMENDATORY SECTION** (Amending Order 78-23, filed 11/27/78)

**WAC 296-17-875 TABLE I.**

Primary Losses for Selected Claim Values  
CLAIM VALUE PRIMARY LOSS

((2,000))	((2,000))
((2,667))	((2,500))
2,690	2,690
((3,429))	3,000
3,250	
((4,308))	3,500
4,379	
((5,333))	4,000
5,922	
((6,545))	4,500
8,159	
((8,000))	5,000
11,692	
((9,778))	5,500
18,106	
((12,000))	6,000
33,355	
((14,857))	((6,500))
((18,667))	((7,000))
((24,000))	((7,500))
((32,000))	((8,000))
((45,333))	((8,500))
((54,315*))	((8,716))
56,093*	6,275
((116,000**))	((9,355))
67,260**	6,345

\* Average death value  
\*\* Maximum claim value

**AMENDATORY SECTION** (Amending Order 78-23, filed 11/27/78)

**WAC 296-17-880 TABLE II.**

"B" and "W" Values

Maximum Claim Value = \$((116,000)) 67,260  
Average Death Value = \$((54,315)) 56,093

EXPECTED LOSSES	B	W	
((25,000)) & Under	((20,000))	0	
1,456	12,690		
((25,001)) -	((36,465))	((19,800))	.01
1,457	2,935	12,563	
((36,466)) -	((47,929))	((19,600))	.02
2,936	4,436	12,436	
((47,930)) -	((59,394))	((19,400))	.03
4,437	5,962	12,309	
((59,395)) -	((70,859))	((19,200))	.04
5,963	7,508	12,182	
((70,860)) -	((82,323))	((19,000))	.05
7,509	9,078	12,056	
((82,324)) -	((93,788))	((18,800))	.06
9,079	10,674	11,929	
((93,789)) -	((105,253))	((18,600))	.07
10,675	12,294	11,802	
((105,254)) -	((116,717))	((18,400))	.08

EXPECTED LOSSES	B	W	
12,295	13,940	11,675	
((116,718)) -	((128,182))	((18,200))	.09
13,941	15,615	11,548	
((128,183)) -	((139,646))	((18,000))	.10
15,616	17,315	11,421	
((139,647)) -	((151,111))	((17,800))	.11
17,316	19,042	11,294	
((151,112)) -	((162,576))	((17,600))	.12
19,043	20,798	11,167	
((162,577)) -	((174,040))	((17,400))	.13
20,799	22,584	11,040	
((174,041)) -	((185,505))	((17,200))	.14
22,585	24,398	10,913	
((185,506)) -	((196,970))	((17,000))	.15
24,399	26,245	10,787	
((196,971)) -	((208,434))	((16,800))	.16
26,246	28,126	10,660	
((208,435)) -	((219,899))	((16,600))	.17
28,127	30,037	10,533	
((219,900)) -	((231,364))	((16,400))	.18
30,038	31,982	10,406	
((231,365)) -	((242,828))	((16,200))	.19
31,983	33,961	10,279	
((242,829)) -	((254,293))	((16,000))	.20
33,962	35,976	10,152	
((254,294)) -	((265,758))	((15,800))	.21
35,977	38,028	10,025	
((265,759)) -	((277,222))	((15,600))	.22
38,029	40,118	9,898	
((277,233)) -	((288,687))	((15,400))	.23
40,119	42,249	9,771	
((288,688)) -	((300,152))	((15,200))	.24
42,250	44,416	9,644	
((300,153)) -	((311,616))	((15,000))	.25
44,417	46,626	9,518	
((311,617)) -	((323,081))	((14,800))	.26
46,627	48,878	9,391	
((323,082)) -	((334,545))	((14,600))	.27
48,879	51,174	9,264	
((334,546)) -	((346,010))	((14,400))	.28
51,175	53,515	9,137	
((346,011)) -	((357,475))	((14,200))	.29
53,516	55,905	9,010	
((357,476)) -	((368,939))	((14,000))	.30
55,906	58,341	8,883	
((368,940)) -	((380,404))	((13,800))	.31
58,342	60,827	8,756	
((380,405)) -	((391,869))	((13,600))	.32
60,828	63,364	8,629	
((391,870)) -	((403,333))	((13,400))	.33
63,365	65,954	8,502	
((403,334)) -	((414,798))	((13,200))	.34
65,955	68,597	8,375	
((414,799)) -	((426,263))	((13,000))	.35
68,598	71,298	8,249	
((426,264)) -	((437,727))	((12,800))	.36
71,299	74,061	8,122	
((437,728)) -	((449,192))	((12,600))	.37
74,062	76,881	7,995	
((449,193)) -	((460,657))	((12,400))	.38
76,882	79,764	7,868	
((460,658)) -	((472,121))	((12,200))	.39
79,765	82,711	7,741	
((472,122)) -	((483,586))	((12,000))	.40
82,712	85,726	7,614	
((483,587)) -	((495,051))	((11,800))	.41
85,727	88,811	7,487	
((495,052)) -	((506,515))	((11,600))	.42
88,812	91,967	7,360	
((506,516)) -	((517,980))	((11,400))	.43
91,968	95,202	7,233	
((517,981)) -	((529,444))	((11,200))	.44
95,203	98,510	7,106	
((529,445)) -	((540,909))	((11,000))	.45
98,511	101,899	6,980	
((540,910)) -	((552,374))	((10,800))	.46
101,900	105,372	6,853	
((552,375)) -	((563,838))	((10,600))	.47
105,373	108,932	6,726	
((563,839)) -	((575,303))	((10,400))	.48
108,933	112,583	6,599	
((575,304)) -	((586,768))	((10,200))	.49
112,584	116,331	6,472	
((586,769)) -	((598,232))	((10,000))	.50
116,332	120,173	6,345	
((598,233)) -	((609,697))	((9,800))	.51
120,174	124,117	6,218	

EXPECTED LOSSES	B	W
((609,698)) - ((621,162))	((9,600))	.52
124,118 128,167	6,091	
((621,163)) - ((632,626))	((9,400))	.53
128,168 132,327	5,964	
((632,627)) - ((644,091))	((9,200))	.54
132,328 136,602	5,837	
((644,092)) - ((655,556))	((9,000))	.55
136,603 140,998	5,711	
((655,557)) - ((667,020))	((8,800))	.56
140,999 145,524	5,584	
((667,021)) - ((678,485))	((8,600))	.57
145,525 150,176	5,457	
((678,486)) - ((689,949))	((8,400))	.58
150,177 154,966	5,330	
((689,950)) - ((701,414))	((8,200))	.59
154,967 159,900	5,203	
((701,415)) - ((712,879))	((8,000))	.60
159,901 164,984	5,076	
((712,880)) - ((724,343))	((7,800))	.61
164,985 170,225	4,949	
((724,344)) - ((735,808))	((7,600))	.62
170,226 175,631	4,822	
((735,809)) - ((747,273))	((7,400))	.63
175,632 181,214	4,695	
((747,274)) - ((758,737))	((7,200))	.64
181,215 186,974	4,568	
((758,738)) - ((770,202))	((7,000))	.65
186,975 192,926	4,442	
((770,203)) - ((781,667))	((6,800))	.66
192,927 199,078	4,315	
((781,668)) - ((793,131))	((6,600))	.67
199,079 205,442	4,188	
((793,132)) - ((804,596))	((6,400))	.68
205,443 212,029	4,061	
((804,597)) - ((816,061))	((6,200))	.69
212,030 218,856	3,934	
((816,062)) - ((827,525))	((6,000))	.70
218,857 225,925	3,807	
((827,526)) - ((838,990))	((5,800))	.71
225,926 233,257	3,680	
((838,991)) - ((850,455))	((5,600))	.72
233,258 240,866	3,553	
((850,456)) - ((861,919))	((5,400))	.73
240,867 248,769	3,426	
((861,920)) - ((873,384))	((5,200))	.74
248,770 256,981	3,299	
((873,385)) - ((884,848))	((5,000))	.75
256,982 265,524	3,173	
((884,849)) - ((896,313))	((4,800))	.76
265,525 274,424	3,046	
((896,314)) - ((907,778))	((4,600))	.77
274,425 283,691	2,919	
((907,779)) - ((919,242))	((4,400))	.78
283,692 293,356	2,792	
((919,243)) - ((930,707))	((4,200))	.79
293,357 303,444	2,665	
((930,708)) - ((942,172))	((4,000))	.80
303,445 313,986	2,538	
((942,173)) - ((953,636))	((3,800))	.81
313,987 325,012	2,411	
((953,637)) - ((965,101))	((3,600))	.82
325,013 336,556	2,284	
((965,102)) - ((976,566))	((3,400))	.83
336,557 348,664	2,157	
((976,567)) - ((988,030))	((3,200))	.84
348,665 361,364	2,030	
((988,031)) - ((999,495))	((3,000))	.85
361,365 374,709	1,904	
((999,496)) - ((1,010,960))	((2,800))	.86
374,710 388,750	1,777	
((1,010,961)) - ((1,022,424))	((2,600))	.87
388,751 403,544	1,650	
((1,022,425)) - ((1,033,889))	((2,400))	.88
403,545 419,152	1,523	
((1,033,890)) - ((1,045,354))	((2,200))	.89
419,153 435,651	1,396	
((1,045,355)) - ((1,056,818))	((2,000))	.90
435,652 453,107	1,269	
((1,056,819)) - ((1,068,283))	((1,800))	.91
453,108 471,613	1,142	
((1,068,284)) - ((1,079,747))	((1,600))	.92
471,614 491,267	1,015	
((1,079,748)) - ((1,091,212))	((1,400))	.93
491,268 512,182	888	
((1,091,213)) - ((1,102,677))	((1,200))	.94
512,183 534,481	761	
((1,102,678)) - ((1,114,141))	((1,000))	.95

EXPECTED LOSSES	B	W
534,482 558,310	635	
((1,114,142)) - ((1,125,606))	((800))	.96
558,311 583,841	508	
((1,125,607)) - ((1,137,071))	((600))	.97
583,842 611,245	381	
((1,137,072)) - ((1,148,535))	((400))	.98
611,246 640,747	254	
((1,148,536)) - ((1,160,000))	((200))	.99
640,748 672,599	127	
((1,160,001)) & over	0	1.00
672,600		

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78)

WAC 296-17-885 TABLE III.

CLASS	Expected Loss Rates and D-Ratios			D-RATIO
	Expected Loss Rates in Dollars Per Workman Hour			
	1976	1977	1978	
1-1	((2690))	((2756))	((2601))	((334))
	.1916	.1901	.1867	.369
1-2	((2758))	((2825))	((2667))	((350))
	.2074	.2058	.2021	.374
1-3	((2857))	((2927))	((2763))	((361))
	.2361	.2342	.2300	.387
1-4	((2533))	((2594))	((2449))	((292))
	.1881	.1867	.1833	.344
1-5	((2277))	((2332))	((2202))	((347))
	.1759	.1745	.1714	.411
1-6	((2537))	((2599))	((2453))	((322))
	.2552	.2531	.2486	.330
1-7	.1610	.1597	.1568	.392
1-8	.2114	.2098	.2060	.326
1-9	((3383))	((3466))	((3272))	((340))
	.2547	.2526	.2481	.375
2-1	((5995))	((6141))	((5798))	((293))
	.5072	.5031	.4940	.294
2-2	((5026))	((5148))	((4860))	((331))
	.3955	.3924	.3853	.352
3-1	((1059))	((1085))	((1024))	((397))
	.0819	.0813	.0798	.442
3-2	((2967))	((3040))	((2870))	((349))
	.2578	.2558	.2512	.378
3-6	((1446))	((1481))	((1398))	((392))
	.1243	.1233	.1211	.396
3-7	((1217))	((1247))	((1177))	((393))
	.0881	.0874	.0858	.411
4-1	((4065))	((4164))	((3931))	((297))
	.3403	.3376	.3315	.330
4-2	((4065))	((4164))	((3931))	((297))
	.3403	.3376	.3315	.330
4-3	((3115))	((3191))	((3012))	((316))
	.2334	.2315	.2273	.362
5-2	((3066))	((3141))	((2965))	((292))
	.1749	.1735	.1704	.368
5-3	((1384))	((1418))	((1339))	((369))
	.0999	.0991	.0973	.399
5-4	((2458))	((2518))	((2377))	((351))
	.2158	.2141	.2102	.381
5-5	((2930))	((3001))	((2833))	((375))
	.2203	.2185	.2146	.434
5-8	((3064))	((3138))	((2963))	((317))
	.2494	.2474	.2429	.397
6-1	((1012))	((1037))	((979))	((357))
	.0655	.0650	.0638	.444
6-2	((1180))	((1209))	((1141))	((335))
	.0812	.0806	.0791	.381
6-3	((1336))	((1369))	((1292))	((337))
	.1032	.1024	.1006	.412
6-4	((3294))	((3374))	((3185))	((380))
	.2199	.2182	.2142	.417
6-6	((8676))	((8692))	((8653))	((429))
	.0510	.0506	.0497	.450
6-7	((8723))	((8741))	((8699))	((419))
	.0559	.0555	.0544	.427
7-1	((2278))	((2333))	((2203))	((356))
	.1757	.1743	.1712	.331
8-3	((8995))	((1019))	((8962))	((336))
	.0753	.0747	.0733	.379
8-4	((2119))	((2170))	((2049))	((276))
	.1610	.1597	.1568	.333
((8-6))	((8795))	((8815))	((8769))	((338))

CLASS	((1975)) 1976	((1976)) 1977	((1977)) 1978	D-RATIO	CLASS	((1975)) 1976	((1976)) 1977	((1977)) 1978	D-RATIO
9-1	((-3149)) .3058	((-3225)) .3033	((-3045)) .2978	((-350)) .379	33-2	.1004 ((-.1374))	.0997 ((-.1407))	.0978 ((-.1329))	.456 ((-.350))
9-2	((-1660)) .1152	((-1701)) .1143	((-1605)) .1122	((-400)) .422	33-3	.1077 ((-.0891))	.1069 ((-.0913))	.1050 ((-.0862))	.384 ((-.386))
10-2	((-3586)) .2875	((-3673)) .2852	((-3468)) .2801	((-421)) .455	33-8	.0653 ((-.0519))	.0648 ((-.0532))	.0636 ((-.0502))	.406 ((-.468))
10-3	((-2023)) .1385	((-2072)) .1374	((-1956)) .1349	((-382)) .427	33-9	.0568 ((-.0790))	.0563 ((-.0809))	.0553 ((-.0764))	.506 ((-.415))
11-1	((-1378)) .1178	((-1412)) .1169	((-1333)) .1147	((-384)) .393	34-1	.0568 ((-.1033))	.0563 ((-.1058))	.0553 ((-.0999))	.506 ((-.353))
11-2	((-2481)) .1825	((-2542)) .1811	((-2400)) .1778	((-343)) .391	34-2	.0799 ((-.1219))	.0793 ((-.1249))	.0778 ((-.1179))	.384 ((-.419))
11-3	((-0840)) .0650	((-0861)) .0645	((-0812)) .0633	((-400)) .464	34-3	.0916 ((-.0197))	.0909 ((-.0201))	.0892 ((-.0190))	.458 ((-.342))
13-1	((-0755)) .0641	((-0774)) .0636	((-0730)) .0624	((-416)) .413	34-4	.0150 ((-.0963))	.0149 ((-.0986))	.0147 ((-.0931))	.380 ((-.428))
13-3	((-0381)) .0361	((-0390)) .0358	((-0368)) .0352	((-364)) .409	34-5	.0811 ((-.0203))	.0805 ((-.0208))	.0790 ((-.0196))	.447 ((-.377))
13-4	((-0030)) .0023	((-0031)) .0023	((-0029)) .0022	((-399)) .437	34-6	.0154 ((-.0478))	.0153 ((-.0490))	.0150 ((-.0462))	.390 ((-.372))
14-1	((-1310)) .1102	((-1342)) .1093	((-1267)) .1073	((-389)) .428	34-7	.0375 ((-.0587))	.0372 ((-.0601))	.0365 ((-.0568))	.406 ((-.419))
14-3	((-1026)) .0794	((-1051)) .0787	((-0992)) .0773	((-313)) .435	34-8	.0459 ((-.0302))	.0455 ((-.0310))	.0447 ((-.0292))	.453 ((-.335))
14-4	((-1026)) .0794	((-1051)) .0787	((-0992)) .0773	((-313)) .435	34-9	.0219 0.375	.0218 0.372	.0214 0.365	.388 0.365
15-1	((-0935)) .0660	((-0958)) .0655	((-0904)) .0643	((-346)) .430	35-1	.0663 ((-.0783))	.0658 ((-.0802))	.0646 ((-.0758))	.482 ((-.464))
15-7	((-0795)) .0594	((-0815)) .0589	((-0769)) .0579	((-338)) .411	35-3	.0499 ((-.0690))	.0495 ((-.0706))	.0486 ((-.0667))	.480 ((-.464))
((16-2))	((-5264)) .3490	((-5393)) .3462	((-5091)) .3399	((-340)) .392	35-4	.0179 ((-.0481))	.0178 ((-.0492))	.0175 ((-.0465))	.453 ((-.395))
17-1	((-5264)) .3490	((-5393)) .3462	((-5091)) .3399	((-340)) .392	35-5	.0663 ((-.0783))	.0658 ((-.0802))	.0646 ((-.0758))	.482 ((-.464))
17-2	((-5264)) .3490	((-5393)) .3462	((-5091)) .3399	((-340)) .392	35-6	.1441 ((-.1908))	.1430 ((-.1955))	.1404 ((-.1846))	.342 ((-.304))
17-3	((-1396)) .1628	((-1430)) .1615	((-1350)) .1586	((-334)) .369	(35-7)	.0811 ((-.0783))	.0805 ((-.0802))	.0790 ((-.0758))	.447 ((-.464))
17-4	((-1046)) .0760	((-1071)) .0754	((-1012)) .0740	((-334)) .385	35-8	.0595 ((-.0684))	.0590 ((-.0701))	.0580 ((-.0662))	.460 ((-.507))
18-1	((-1759)) .1359	((-1802)) .1348	((-1701)) .1324	((-378)) .407	36-1	.0811 ((-.0963))	.0805 ((-.0986))	.0790 ((-.0931))	.447 ((-.428))
((18-2))	((-1759)) .1359	((-1802)) .1348	((-1701)) .1324	((-378)) .407	36-2	.0179 ((-.0481))	.0178 ((-.0492))	.0175 ((-.0465))	.453 ((-.395))
((18-3))	((-1759)) .1359	((-1802)) .1348	((-1701)) .1324	((-378)) .407	36-3	.0729 ((-.0791))	.0723 ((-.0811))	.0710 ((-.0765))	.436 ((-.408))
20-2	((-0880)) .0701	((-0901)) .0696	((-0851)) .0683	((-402)) .480	36-4	.1456 ((-.1625))	.1445 ((-.1664))	.1419 ((-.1571))	.305 ((-.284))
20-3	((-1016)) .0843	((-1041)) .0837	((-0983)) .0821	((-411)) .415	36-5	.0529 ((-.0711))	.0524 ((-.0728))	.0515 ((-.0687))	.406 ((-.368))
20-4	((-0899)) .0783	((-0920)) .0777	((-0869)) .0763	((-371)) .434	36-6	.0929 ((-.1132))	.0921 ((-.1160))	.0905 ((-.1095))	.463 ((-.474))
20-5	((-0729)) .0564	((-0747)) .0559	((-0705)) .0549	((-377)) .401	37-1	.0416 ((-.0435))	.0413 ((-.0445))	.0405 ((-.0420))	.409 ((-.363))
20-6	((-1016)) .0959	((-1041)) .0951	((-0983)) .0934	((-411)) .400	37-2	.0897 ((-.0887))	.0890 ((-.0909))	.0874 ((-.0858))	.386 ((-.391))
20-7	((-0832)) .0684	((-0852)) .0678	((-0804)) .0666	((-393)) .399	37-3	.0416 ((-.0435))	.0413 ((-.0445))	.0405 ((-.0420))	.409 ((-.363))
20-8	((-0736)) .0576	((-0754)) .0571	((-0712)) .0561	((-399)) .403	37-6	.0447 ((-.0543))	.0443 ((-.0556))	.0435 ((-.0525))	.424 ((-.388))
21-1	((-0879)) .0710	((-0901)) .0704	((-0850)) .0691	((-454)) .443	37-7	.0419 ((-.0543))	.0416 ((-.0556))	.0408 ((-.0525))	.414 ((-.388))
21-2	((-1016)) .0843	((-1041)) .0837	((-0983)) .0821	((-411)) .415	37-8	.0419 ((-.0543))	.0416 ((-.0556))	.0408 ((-.0525))	.414 ((-.388))
21-4	((-0682)) .0455	((-0698)) .0452	((-0659)) .0443	((-456)) .488	38-1	.0419 ((-.0543))	.0416 ((-.0556))	.0408 ((-.0525))	.414 ((-.388))
22-1	((-0544)) .0488	((-0558)) .0484	((-0526)) .0475	((-385)) .416	38-2	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
22-2	((-0591)) .0498	((-0605)) .0494	((-0571)) .0485	((-402)) .448	38-3	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
24-1	((-1356)) .0975	((-1389)) .0968	((-1312)) .0950	((-382)) .436	38-4	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
29-3	((-1533)) .1016	((-1571)) .1008	((-1483)) .0989	((-423)) .514	38-5	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
29-4	((-1345)) .1146	((-1378)) .1137	((-1300)) .1117	((-450)) .448	38-6	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
29-6	((-1533)) .1016	((-1571)) .1008	((-1483)) .0989	((-423)) .514	38-7	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
31-1	((-1712)) .1105	((-1754)) .1096	((-1656)) .1076	((-345)) .403	38-8	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
31-2	((-1712)) .1105	((-1754)) .1096	((-1656)) .1076	((-345)) .403	38-9	.0295 ((-.0369))	.0293 ((-.0378))	.0287 ((-.0357))	.429 ((-.417))
31-3	((-1234)) .0857	((-1264)) .0850	((-1193)) .0835	((-336)) .379	39-1	.0672 ((-.0866))	.0667 ((-.0888))	.0655 ((-.0838))	.436 ((-.397))
31-4	((-1712)) .1105	((-1754)) .1096	((-1656)) .1076	((-345)) .403	39-2	.1100 ((-.1321))	.1091 ((-.1354))	.1071 ((-.1278))	.423 ((-.407))
31-5	((-1908)) .1593	((-1955)) .1581	((-1846)) .1552	((-434)) .458	39-3	.1100 ((-.2257))	.1091 ((-.2312))	.1071 ((-.2182))	.423 ((-.388))
33-1	((-1376)) .1105	((-1410)) .1096	((-1331)) .1076	((-428)) .403					

CLASS	((1975)) 1976	((1976)) 1977	((1977)) 1978	D-RATIO	CLASS	((1975)) 1976	((1976)) 1977	((1977)) 1978	D-RATIO
39-4	.1502 ((-1321))	.1490 ((-1354))	.1463 ((-1278))	.413 ((-407))	50-1	.0535 ((-5893))	.0531 ((-6037))	.0521 ((-5699))	.388 ((-357))
39-5	.1100 ((-0390))	.1091 ((-0399))	.1071 ((-0377))	.423 ((-450))	50-2	.4843 ((-1042))	.4805 ((-1067))	.4718 ((-1008))	.414 ((-438))
39-6	.0300 (.0672)	.0297 (.0655)	.0292 (.0667)	.470	50-3	.0787 ((-5893))	.0780 ((-6037))	.0766 ((-5699))	.456 ((-357))
40-2	.1111 ((-1244))	.1102 ((-1274))	.1082 ((-1200))	.365 ((-374))	51-1	.3183 ((-1243))	.3158 ((-1273))	.3101 ((-1202))	.382 ((-424))
41-1	.0182 ((-0206))	.0180 ((-0211))	.0177 ((-0199))	.499 ((-458))	51-2	.1051 ((-1022))	.1043 ((-1067))	.1024 ((-1062))	.438 ((-430))
41-2	.0179 ((-0274))	.0178 ((-0280))	.0175 ((-0265))	.453 ((-450))	51-3	.1759 ((-1022))	.1745 ((-1067))	.1714 ((-1062))	.485 ((-430))
41-3	.0250 ((-0206))	.0249 ((-0211))	.0244 ((-0199))	.478 ((-458))	51-4	.0916 ((-1219))	.0909 ((-1249))	.0892 ((-1179))	.458 ((-419))
41-4	.0182 ((-0206))	.0180 ((-0211))	.0177 ((-0199))	.499 ((-458))	51-5	.0916 ((-1219))	.0909 ((-1249))	.0892 ((-1179))	.458 ((-419))
41-5	.0182 ((-0206))	.0180 ((-0211))	.0177 ((-0199))	.499 ((-458))	51-6	.0916 ((-1219))	.0909 ((-1249))	.0892 ((-1179))	.458 ((-419))
41-6	.0179 ((-0207))	.0178 ((-0212))	.0175 ((-0200))	.453 ((-460))	51-7	.0916 ((-1219))	.0909 ((-1249))	.0892 ((-1179))	.458 ((-419))
41-7	.0145 ((-0206))	.0143 ((-0211))	.0141 ((-0199))	.479 ((-458))	51-8	.0885 ((-1219))	.0878 ((-1249))	.0862 ((-1179))	.445 ((-419))
41-8	.0182 ((-0206))	.0180 ((-0211))	.0177 ((-0199))	.499 ((-458))	51-9	.0916 ((-1000))	.0909 ((-1025))	.0892 ((-0967))	.458 ((-404))
41-9	.0182 ((-0206))	.0180 ((-0211))	.0177 ((-0199))	.499 ((-458))	52-1	.0675 ((-1203))	.0669 ((-1233))	.0657 ((-1164))	.449 ((-375))
42-1	.1325 ((-1015))	.1314 ((-1060))	.1290 ((-1075))	.383 ((-354))	52-2	.0863 ((-1219))	.0856 ((-1249))	.0840 ((-1179))	.418 ((-419))
43-1	.1281 ((-1656))	.1271 ((-1697))	.1248 ((-1602))	.436 ((-424))	52-3	.0916 ((-1219))	.0909 ((-1249))	.0892 ((-1179))	.458 ((-419))
43-2	.1191 ((-1637))	.1182 ((-1677))	.1160 ((-1583))	.424 ((-369))	52-4	.1400 ((-1645))	.1389 ((-1685))	.1364 ((-1594))	.433 ((-402))
43-3	.1325 ((-1754))	.1314 ((-1797))	.1290 ((-1696))	.411 ((-376))	52-5	.0916 ((-1219))	.0909 ((-1249))	.0892 ((-1179))	.458 ((-419))
43-4	.1433 ((-1853))	.1422 ((-1899))	.1396 ((-1792))	.390 ((-366))	52-6	.0723 ((-0935))	.0717 ((-0958))	.0704 ((-0904))	.429 ((-383))
43-5	.2808 ((-3582))	.2786 ((-3669))	.2735 ((-3464))	.415 ((-363))	52-7	.0271 ((-0354))	.0268 ((-0363))	.0263 ((-0342))	.453 ((-402))
44-1	.0950 ((-1173))	.0942 ((-1204))	.0925 ((-1134))	.375 ((-327))	53-1	.0030 ((-0040))	.0030 ((-0044))	.0029 ((-0038))	.399 ((-350))
44-4	.0843 ((-1016))	.0837 ((-1044))	.0821 ((-0983))	.415 ((-411))	53-5	.0052 ((-0069))	.0051 ((-0070))	.0050 ((-0067))	.358 ((-300))
45-1	.0244 ((-0349))	.0242 ((-0358))	.0238 ((-0338))	.307 ((-257))	53-6	.0054 ((-0063))	.0053 ((-0065))	.0052 ((-0061))	.412 ((-396))
45-2	.0122 ((-0189))	.0121 ((-0194))	.0119 ((-0183))	.311 ((-243))	61-3	.0068 ((-0090))	.0068 ((-0092))	.0067 ((-0087))	.440 ((-429))
45-3	.0343 ((-0500))	.0340 ((-0512))	.0334 ((-0483))	.354 ((-312))	61-4	.0712 ((-0967))	.0706 ((-0990))	.0693 ((-0935))	.413 ((-348))
45-4	.0126 ((-0170))	.0125 ((-0174))	.0123 ((-0164))	.418 ((-366))	61-5	.0345 ((-0482))	.0342 ((-0494))	.0336 ((-0466))	.402 ((-358))
46-1	.0485 ((-0415))	.0481 ((-0425))	.0472 ((-0402))	.348 ((-319))	61-6	.0282 ((-0482))	.0280 ((-0494))	.0274 ((-0466))	.416 ((-358))
((47-1))	.0458 ((-0415))	.0454 ((-0425))	.0446 ((-0402))	.382 ((-319))	61-7	.0282 ((-0482))	.0280 ((-0494))	.0274 ((-0466))	.416 ((-358))
48-2	.0458 ((-0674))	.0454 ((-0690))	.0446 ((-0652))	.382 ((-335))	61-8	.0282 ((-0789))	.0280 ((-0800))	.0274 ((-0763))	.416 ((-402))
48-3	.0827 ((-1111))	.0820 ((-1138))	.0805 ((-1075))	.500 ((-460))	61-9	.0638 ((-0882))	.0633 ((-0894))	.0622 ((-0866))	.515 ((-402))
48-4	.0644 ((-0873))	.0639 ((-0894))	.0627 ((-0844))	.446 ((-420))	62-1	.0294 ((-0404))	.0292 ((-0411))	.0287 ((-0405))	.396 ((-383))
48-5	.0517 ((-0695))	.0513 ((-0712))	.0503 ((-0672))	.403 ((-368))	62-2	.0955 ((-1237))	.0948 ((-1267))	.0931 ((-1196))	.372 ((-355))
48-6	.0103 ((-0135))	.0103 ((-0139))	.0101 ((-0131))	.430 ((-388))	62-3	.0225 ((-0293))	.0223 ((-0304))	.0219 ((-0284))	.421 ((-362))
48-7	.2203 ((-2930))	.2185 ((-3004))	.2146 ((-2833))	.434 ((-375))	62-4	.0280 ((-0405))	.0278 ((-0414))	.0273 ((-0394))	.481 ((-434))
48-8	.0606 ((-0732))	.0602 ((-0750))	.0591 ((-0708))	.441 ((-420))	62-5	.0280 ((-0405))	.0278 ((-0414))	.0273 ((-0394))	.481 ((-434))
48-9	.0363 ((-0542))	.0360 ((-0555))	.0354 ((-0524))	.434 ((-384))	62-6	.0280 ((-0405))	.0278 ((-0414))	.0273 ((-0394))	.481 ((-434))
49-1	.0133 ((-0163))	.0132 ((-0167))	.0130 ((-0158))	.432 ((-383))	62-7	.0280 ((-0405))	.0278 ((-0414))	.0273 ((-0394))	.481 ((-434))
49-2	.0320 ((-0463))	.0318 ((-0447))	.0312 ((-0422))	.444 ((-389))	62-8	.1400 ((-1076))	.1389 ((-1092))	.1364 ((-1014))	.443 ((-410))
49-3	.0133 ((-0163))	.0132 ((-0167))	.0130 ((-0158))	.432 ((-383))	62-9	.0758 ((-1050))	.0752 ((-1076))	.0739 ((-1015))	.322 ((-287))
49-4	.0030 ((-0040))	.0030 ((-0044))	.0029 ((-0038))	.399 ((-350))	63-1	.0314 ((-0434))	.0312 ((-0445))	.0306 ((-0420))	.483 ((-444))
49-5	.0489 ((-0640))	.0485 ((-0656))	.0476 ((-0619))	.420 ((-396))	63-2	.0310 ((-0385))	.0307 ((-0394))	.0302 ((-0372))	.293 ((-264))
49-6	.0100 ((-0139))	.0099 ((-0142))	.0097 ((-0134))	.447 ((-375))	63-3	.0397 ((-0508))	.0394 ((-0521))	.0387 ((-0492))	.393 ((-375))
49-7	.0227 ((-0313))	.0225 ((-0321))	.0221 ((-0303))	.395 ((-359))	63-4	.0140 ((-0192))	.0139 ((-0197))	.0136 ((-0186))	.326 ((-286))
49-8	.0535 ((-0778))	.0531 ((-0797))	.0521 ((-0752))	.388 ((-350))	63-5	.0201 ((-0108))	.0199 ((-0111))	.0196 ((-0105))	.425 ((-416))
49-9	.0535 ((-0778))	.0531 ((-0797))	.0521 ((-0752))	.388 ((-350))					

CLASS	((1975)) 1976	((1976)) 1977	((1977)) 1978	D-RATIO	CLASS	((1975)) 1976	((1976)) 1977	((1977)) 1978	D-RATIO
63-6	.0084 ((-0563))	.0083 ((-0577))	.0082 ((-0545))	.459 ((-356))	68-4	((0770)) .0524	((0789)) .0519	((0745)) .0510	((35+)) .376
63-7	.0348 ((-0186))	.0346 ((-0191))	.0339 ((-0180))	.455 ((-437))	68-9	((2362)) .2168	((2420)) .2151	((2285)) .2112	((418)) .470
63-8	.0135 ((-0130))	.0134 ((-0133))	.0131 ((-0126))	.440 ((-349))	69-2	((2556)) .1729	((2619)) .1715	((2472)) .1684	((349)) .366
63-9	.0096 ((-0261))	.0096 ((-0267))	.0094 ((-0252))	.374 ((-406))	69-3	((126)) .8799	((129)) .8729	((122)) .8571	((196)) .267
64-1	.0173 ((-0186))	.0172 ((-0191))	.0169 ((-0180))	.442 ((-437))	69-4	((1730)) .1333	((1772)) .1323	((1673)) .1299	((369)) .406
64-2	.0135 ((-0622))	.0134 ((-0637))	.0131 ((-0602))	.440 ((-389))	69-5	((1730)) .1333	((1772)) .1323	((1673)) .1299	((369)) .406
64-3	.0512 ((-0364))	.0508 ((-0373))	.0499 ((-0352))	.392 ((-443))	69-7	((2404)) .2476	((2545)) .2457	((2403)) .2412	((199)) .369
64-4	.0252 ((-0130))	.0250 ((-0133))	.0246 ((-0126))	.484 ((-385))	69-8	((0735)) .0554	((0753)) .0550	((0710)) .0540	((411)) .463
64-5	.0095 ((-0519))	.0094 ((-0532))	.0092 ((-0502))	.421 ((-468))	69-9	((0280)) .0196	((0295)) .0195	((0279)) .0191	((346)) .397
64-6	.0568 ((-0186))	.0563 ((-0191))	.0553 ((-0180))	.506 ((-437))	71-1	((0192)) .0140	((0197)) .0139	((0186)) .0136	((286)) .326
64-7	.0135 ((-0322))	.0134 ((-0330))	.0131 ((-0311))	.440 ((-478))	71-2	2.46*	2.44*	2.39*	.475
64-8	.0244 ((-0794))	.0242 ((-0813))	.0238 ((-0767))	.497 ((-417))	71-3	.0320	.0318	.0312	.444
64-9	.0649 ((-0924))	.0643 ((-0947))	.0632 ((-0894))	.398 ((-381))	71-4	.0043	.0042	.0041	.364
65-1	.0736 ((-0103))	.0731 ((-0106))	.0717 ((-0100))	.395 ((-426))	71-5	.0313	.0311	.0305	.486
65-2	.0082 ((-0044))	.0081 ((-0045))	.0080 ((-0042))	.457 ((-335))	71-6	.0631	.0626	.0615	.428
65-3	.0029 ((-0285))	.0029 ((-0292))	.0028 ((-0276))	.389 ((-296))	71-7	.0947	.0940	.0923	.423
65-4	.0193 ((-0411))	.0192 ((-0421))	.0188 ((-0398))	.371 ((-445))	71-8	.2157	.2139	.2101	.413
65-5	.0280 ((-0284))	.0278 ((-0291))	.0273 ((-0275))	.460 ((-336))	71-9	.4843	.4805	.4718	.414
65-6	.0219 ((-0115))	.0218 ((-0118))	.0214 ((-0111))	.402 ((-395))	72-1	.0320	.0318	.0312	.444
65-7	.0081 ((-0704))	.0081 ((-0721))	.0079 ((-0681))	.432 ((-387))	72-2	.0133	.0132	.0130	.287
65-8	.0519 ((-0472))	.0515 ((-0484))	.0506 ((-0457))	.422 ((-411))	*Daily expected loss rate				
65-9	.0396 ((-0406))	.0393 ((-0416))	.0386 ((-0393))	.460 ((-371))	<b>NEW SECTION</b>				
66-1	.0314 ((-0498))	.0311 ((-0510))	.0306 ((-0481))	.451 ((-355))	WAC 296-17-890 TABLE IV.				
66-2	.0338 ((-0955))	.0335 ((-0979))	.0329 ((-0924))	.415 ((-429))	Maximum experience modifications for firms with no compensable accidents:				
66-3	.0748 ((-0548))	.0742 ((-0561))	.0728 ((-0530))	.443 ((-395))	Expected	Loss Range	Maximum	Experience	Modification
66-4	.0134 ((-0179))	.0133 ((-0183))	.0131 ((-0173))	.405 ((-361))	1-593		.90		
66-5	.0367 ((-0475))	.0364 ((-0486))	.0357 ((-0459))	.424 ((-369))	594-634		.89		
66-6	.0367 ((-0475))	.0364 ((-0486))	.0357 ((-0459))	.424 ((-369))	635-679		.88		
66-7	.0271 ((-0354))	.0268 ((-0363))	.0263 ((-0342))	.453 ((-402))	680-727		.87		
66-8	.0590 ((-0794))	.0586 ((-0813))	.0575 ((-0768))	.402 ((-363))	728-780		.86		
66-9	.1865 ((-2126))	.1850 ((-2178))	.1816 ((-2056))	.498 ((-458))	781-837		.85		
67-1	.0133 ((-0163))	.0132 ((-0167))	.0130 ((-0158))	.432 ((-383))	838-899		.84		
67-2	.0133 ((-0163))	.0132 ((-0167))	.0130 ((-0158))	.432 ((-383))	900-967		.83		
((67-3))	.0133 ((-2857))	.0132 ((-2927))	.0130 ((-2763))	.432 ((-361))	968-1,041		.82		
67-4	.0349 ((-0478))	.0346 ((-0490))	.0340 ((-0462))	.408 ((-372))	1,042-1,121		.81		
67-5	.1102 ((-1493))	.1093 ((-1530))	.1073 ((-1444))	.452 ((-392))	1,122-1,208		.80		
67-6	.0476 ((-0642))	.0472 ((-0657))	.0463 ((-0621))	.395 ((-356))	1,209-1,303		.79		
67-7	5.48* ((-6644))	5.44* ((-6814))	5.34* ((-6434))	.490 ((-457))	1,304-1,408		.78		
67-8	3.09 ((-315))	3.07 ((-323))	3.01 ((-305))	.483 ((-483))	1,409-1,522		.77		
67-9	.0258 ((-0358))	.0256 ((-0366))	.0252 ((-0346))	.422 ((-372))	1,523-1,648		.76		
68-1	.1103 ((-1510))	.1095 ((-1547))	.1075 ((-1461))	.421 ((-374))	1,649 and over		.75		
68-2	.0717 ((-0903))	.0712 ((-0926))	.0699 ((-0874))	.500 ((-487))					
68-3	.5560 ((-7560))	.5516 ((-7744))	.5416 ((-7311))	.257 ((-210))					

NEW SECTION

WAC 296-17-890 TABLE IV.

Maximum experience modifications for firms with no compensable accidents:

Expected Loss Range	Maximum Experience Modification
1-593	.90
594-634	.89
635-679	.88
680-727	.87
728-780	.86
781-837	.85
838-899	.84
900-967	.83
968-1,041	.82
1,042-1,121	.81
1,122-1,208	.80
1,209-1,303	.79
1,304-1,408	.78
1,409-1,522	.77
1,523-1,648	.76
1,649 and over	.75

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund base rates and medical aid rates by class of industry shall be as set forth below.

Rates Effective January 1, ((1979)) 1980

Class	Accident Fund Base Rate	Medical Aid Fund Rate
1-1	((6023))	((2490))
	.4598	.2011
1-2	((6175))	((2874))

Rates Effective  
January 1, ((1979)) 1980

Rates Effective  
January 1, ((1979)) 1980

Class	Accident Fund Base Rate	Medical Aid Fund Rate
	.4977	.1645
1-3	<del>((.6397))</del>	<del>((.2633))</del>
	.5665	.2399
1-4	<del>((.5674))</del>	<del>((.2064))</del>
	.4514	.1733
1-5	<del>((.5098))</del>	<del>((.2237))</del>
	.4221	.1896
1-6	<del>((.5680))</del>	<del>((.2564))</del>
	.6122	.2413
1-7	.3863	.1708
1-8	.5073	.1808
1-9	<del>((.7575))</del>	<del>((.2737))</del>
	.6110	.2383
2-1	<del>((.3424))</del>	<del>((.4494))</del>
	1.2168	.4161
2-2	<del>((.1253))</del>	<del>((.3705))</del>
	.9489	.3289
3-1	<del>((.2372))</del>	<del>((.1382))</del>
	.1965	.1287
3-2	<del>((.6644))</del>	<del>((.2878))</del>
	.6186	.2225
3-6	<del>((.3238))</del>	<del>((.1782))</del>
	.2982	.1614
3-7	<del>((.2726))</del>	<del>((.1459))</del>
	.2113	.1304
4-1	<del>((.9104))</del>	<del>((.2682))</del>
	.8165	.2727
4-2	<del>((.9104))</del>	<del>((.2682))</del>
	.8165	.2727
4-3	<del>((.6974))</del>	<del>((.2887))</del>
	.5599	.2627
5-2	<del>((.6865))</del>	<del>((.2044))</del>
	.4197	.1568
5-3	<del>((.3100))</del>	<del>((.2174))</del>
	.2396	.1779
5-4	<del>((.5503))</del>	<del>((.2731))</del>
	.5177	.2360
5-5	<del>((.6363))</del>	<del>((.2855))</del>
	.5126	.2639
5-8	<del>((.6860))</del>	<del>((.3477))</del>
	.5983	.2939
6-1	<del>((.2267))</del>	<del>((.1231))</del>
	.1571	.1126
6-2	<del>((.2642))</del>	<del>((.1342))</del>
	.1949	.1124
6-3	<del>((.2992))</del>	<del>((.1678))</del>
	.2477	.1464
6-4	<del>((.7375))</del>	<del>((.3697))</del>
	.5277	.2900
6-6	<del>((.1513))</del>	<del>((.1024))</del>
	.1223	.0838
6-7	<del>((.1619))</del>	<del>((.0947))</del>
	.1341	.0688
7-1	<del>((.5100))</del>	<del>((.1882))</del>
	.4216	.1460
8-3	<del>((.2228))</del>	<del>((.1174))</del>
	.1806	.1058
8-4	<del>((.4744))</del>	<del>((.2662))</del>
	.3862	.1951
9-1	<del>((.7050))</del>	<del>((.2168))</del>
	.7336	.1851
9-2	<del>((.3717))</del>	<del>((.1970))</del>
	.2764	.1695
10-2	<del>((.8029))</del>	<del>((.3376))</del>
	.6898	.3179
10-3	<del>((.4529))</del>	<del>((.1887))</del>
	.3322	.1558
11-1	<del>((.3086))</del>	<del>((.1574))</del>
	.2826	.1331
11-2	<del>((.5556))</del>	<del>((.2357))</del>

Class	Accident Fund Base Rate	Medical Aid Fund Rate
	.4379	.1924
11-3	<del>((.1884))</del>	<del>((.1164))</del>
	.1560	.1190
13-1	<del>((.1694))</del>	<del>((.1094))</del>
	.1537	.0960
13-3	<del>((.0852))</del>	<del>((.0489))</del>
	.0866	.0461
13-4	<del>((.0067))</del>	<del>((.0059))</del>
	.0055	.0055
14-1	<del>((.2933))</del>	<del>((.1387))</del>
	.2644	.1424
14-3	<del>((.2297))</del>	<del>((.0695))</del>
	.1904	.0631
14-4	<del>((.2297))</del>	<del>((.0695))</del>
	.1904	.0631
15-1	<del>((.2093))</del>	<del>((.1124))</del>
	.1584	.0951
15-7	<del>((.1784))</del>	<del>((.0944))</del>
	.1425	.0785
17-1	<del>((.1787))</del>	<del>((.4296))</del>
	.8373	.3391
17-2	<del>((.1787))</del>	<del>((.4746))</del>
	.8373	.3391
17-3	<del>((.3125))</del>	<del>((.1649))</del>
	.3906	.2011
17-4	<del>((.2342))</del>	<del>((.1649))</del>
	.1823	.1278
18-1	<del>((.3938))</del>	<del>((.1507))</del>
	.3260	.1541
20-2	<del>((.1970))</del>	<del>((.0960))</del>
	.1683	.0965
20-3	<del>((.2276))</del>	<del>((.1159))</del>
	.2023	.1061
20-4	<del>((.2012))</del>	<del>((.1612))</del>
	.1879	.1565
20-5	<del>((.1632))</del>	<del>((.1090))</del>
	.1352	.0996
20-6	<del>((.2276))</del>	<del>((.1159))</del>
	.2300	.1221
20-7	<del>((.1862))</del>	<del>((.1153))</del>
	.1640	.0969
20-8	<del>((.1648))</del>	<del>((.0982))</del>
	.1381	.0787
21-1	<del>((.1969))</del>	<del>((.1416))</del>
	.1703	.1297
21-2	<del>((.2276))</del>	<del>((.1159))</del>
	.2023	.1061
21-4	<del>((.1526))</del>	<del>((.0990))</del>
	.1092	.0826
22-1	<del>((.1219))</del>	<del>((.0658))</del>
	.1171	.0540
22-2	<del>((.1323))</del>	<del>((.0755))</del>
	.1195	.0710
24-1	<del>((.3037))</del>	<del>((.1436))</del>
	.2340	.1374
29-3	<del>((.3433))</del>	<del>((.1886))</del>
	.2437	.1681
29-4	<del>((.3011))</del>	<del>((.1644))</del>
	.2750	.1568
29-6	<del>((.3433))</del>	<del>((.1886))</del>
	.2437	.1681
31-1	<del>((.3834))</del>	<del>((.1974))</del>
	.2651	.1449
31-2	<del>((.3834))</del>	<del>((.1974))</del>
	.2651	.1449
31-3	<del>((.2762))</del>	<del>((.1231))</del>
	.2056	.1013
31-4	<del>((.3834))</del>	<del>((.1974))</del>
	.2651	.1449
31-5	<del>((.4273))</del>	<del>((.1952))</del>



Rates Effective January 1, ((1979)) 1980			Rates Effective January 1, ((1979)) 1980		
Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
	.3823	.1784	38-8	((-.0826))	((-.0526))
33-1	((-.3081))	((-.1921))		.0708	.0471
	.2410	.1680	38-9	((-.0826))	((-.0526))
33-2	((-.3076))	((-.1918))		.0708	.0471
	.2585	.1677	39-1	((-.1940))	((-.1052))
33-3	((-.1996))	((-.1245))		.1613	.0881
	.1566	.1088	39-2	((-.2959))	((-.1431))
33-9	((-.1760))	((-.1141))		.2638	.1281
	.1362	.0966	39-3	((-.5053))	((-.2452))
34-1	((-.2313))	((-.1178))		.3604	.2147
	.1917	.1028	39-4	((-.2959))	((-.1431))
34-2	((-.2730))	((-.1672))		.2638	.1281
	.2198	.1503	39-5	((-.0873))	((-.0696))
34-3	((-.0440))	((-.0229))		.0719	.0574
	.0361	.0211	39-6	.1613	.0881
34-4	((-.2156))	((-.1259))	40-2	((-.2779))	((-.1227))
	.1946	.1294		.2666	.1098
34-5	((-.0528))	((-.0272))	41-1	((-.0461))	((-.0400))
	.0429	.0238		.0436	.0388
34-6	((-.1070))	((-.0818))	41-2	((-.0461))	((-.0400))
	.0900	.0749		.0430	.0326
34-7	((-.1314))	((-.0890))	41-3	((-.0613))	((-.0481))
	.1101	.0716		.0601	.0508
34-8	((-.0677))	((-.0423))	41-4	((-.0461))	((-.0400))
	.0526	.0376		.0436	.0388
34-9	.0900	.0749	41-5	((-.0461))	((-.0400))
35-1	((-.1754))	((-.1112))		.0436	.0388
	.1591	.1070	41-6	((-.0461))	((-.0400))
35-3	((-.1544))	((-.1112))		.0430	.0326
	.1198	.0940	41-7	((-.0463))	((-.0370))
((35-4))	((-.1076))	((-.0621))		.0347	.0265
35-6	((-.4273))	((-.1761))	41-8	((-.0461))	((-.0400))
	.3458	.1471		.0436	.0388
35-8	((-.1532))	((-.1187))	41-9	.0461	((-.0400))
	.1428	.1404		.0388	.0388
36-1	((-.2156))	((-.1259))	42-1	((-.4065))	((-.1862))
	.1946	.1294		.3178	.1717
36-2	((-.1076))	((-.0621))	43-1	((-.3709))	((-.2312))
	.0430	.0326		.3073	.2021
36-3	((-.1772))	((-.1304))	43-2	((-.3665))	((-.1738))
	.1749	.1201		.2858	.1602
36-4	((-.3630))	((-.2105))	43-3	((-.3927))	((-.1776))
	.3494	.1955		.3178	.1531
36-5	((-.1591))	((-.0947))	43-4	((-.4150))	((-.2350))
	.1268	.0811		.3438	.1848
36-6	((-.2535))	((-.1739))	43-5	((-.8020))	((-.2929))
	.2228	.1625		.6737	.2458
37-1	((-.0973))	((-.0602))	44-1	((-.2626))	((-.1041))
	.0998	.0527		.2279	.0941
37-2	((-.1986))	((-.1297))	44-4	((-.2276))	((-.1159))
	.2153	.1244		.2023	.1061
37-3	((-.0973))	((-.0602))	45-1	((-.0782))	((-.0475))
	.0998	.0527		.0585	.0390
((37-6))	((-.1215))	((-.0718))	45-2	((-.0423))	((-.0181))
37-7	((-.1215))	((-.0718))		.0292	.0137
	.1072	.0641	45-3	((-.1119))	((-.0552))
37-8	((-.1215))	((-.0718))		.0823	.0439
	.1006	.0626	45-4	((-.0380))	((-.0274))
38-1	((-.1215))	((-.0718))		.0303	.0259
	.1006	.0626	46-1	((-.0930))	((-.1542))
38-2	((-.0826))	((-.0526))		.1163	.1638
	.0708	.0471	48-2	((-.1509))	((-.0647))
38-3	((-.0826))	((-.0526))		.1099	.0627
	.0708	.0471	48-3	((-.2488))	((-.1693))
38-4	((-.0826))	((-.0526))		.1983	.1502
	.0708	.0471	48-4	((-.1955))	((-.1193))
38-5	((-.0826))	((-.0526))		.1545	.1106
	.0708	.0471	48-5	((-.1556))	((-.1010))
38-6	((-.0826))	((-.0526))		.1240	.0883
	.0708	.0471	48-6	((-.0303))	((-.0197))

Rates Effective  
January 1, ((+1979)) 1980

Rates Effective  
January 1, ((+1979)) 1980

Class	Accident Fund Base Rate	Medical Aid Fund Rate	Class	Accident Fund Base Rate	Medical Aid Fund Rate
48-7	.0248 ((-6363))	.0191 ((-2855))	61-3	((-.0202)) .0164	((-.0188)) .0155
48-8	.5126 ((-1640))	.2639 ((-1189))	61-4	((-.2165)) .1708	((-.0967)) .0846
48-9	.1455 ((-1214))	.1031 ((-0787))	61-5	((-.1079)) .0827	((-.0635)) .0555
49-1	.0871 ((-0365))	.0688 ((-0256))	61-7	((-.0840)) .0676	((-.0482)) .0437
49-2	.0319 ((-0976))	.0231 ((-0448))	61-8	((-.1767)) .1531	((-.1279)) .1020
49-3	.0768 ((-0365))	.0386 ((-0256))	61-9	((-.0243)) .0182	((-.0162)) .0118
49-4	.0319 ((-0089))	.0231 ((-0066))	62-1	((-.0899)) .0706	((-.0474)) .0461
49-5	.0072 ((-1434))	.0052 ((-0863))	62-2	((-.2770)) .2292	((-.1278)) .1060
49-6	.1173 ((-0311))	.0709 ((-0207))	62-3	((-.0657)) .0539	((-.0338)) .0303
49-7	.0239 ((-0701))	.0172 ((-0408))	62-4	((-.0906)) .0672	((-.0622)) .0484
49-8	.0544 ((-1742))	.0306 ((-0811))	62-5	((-.0906)) .0672	((-.0622)) .0484
49-9	.1284 ((-1742))	.0625 ((-0811))	62-6	((-.0906)) .0672	((-.0622)) .0484
50-1	.1284 ((-3196))	.0625 ((-5124))	62-7	((-.4201)) .3359	((-.3535)) .3383
50-2	1.1620 ((-2333))	.4813 ((-1756))	62-8	((-.2351)) .1819	((-.1030)) .0837
50-3	.1887 ((-3196))	.1374 ((-5124))	62-9	((-.0972)) .0754	((-.0827)) .0763
51-1	.7637 ((-2783))	.3163 ((-1835))	63-1	((-.0862)) .0743	((-.0364)) .0292
51-2	.2522 ((-4080))	.1616 ((-2327))	63-2	((-.1138)) .0953	((-.0497)) .0412
51-3	.4221 ((-4080))	.2754 ((-2327))	63-3	((-.0430)) .0335	((-.0195)) .0155
51-4	.4221 ((-2730))	.2754 ((-1672))	63-4	((-.0639)) .0482	((-.0471)) .0352
51-5	.2198 ((-2730))	.1503 ((-1672))	63-5	((-.0242)) .0201	((-.0164)) .0190
51-6	.2198 ((-2730))	.1503 ((-1672))	63-6	((-.1261)) .0836	((-.0767)) .0603
51-7	.2198 ((-2730))	.1503 ((-1672))	63-8	((-.0291)) .0231	((-.0127)) .0104
51-8	.2124 ((-2730))	.1392 ((-1672))	63-9	((-.0584)) .0416	((-.0469)) .0372
51-9	.2198 ((-2240))	.1503 ((-1339))	64-2	((-.1393)) .1229	((-.0706)) .0627
52-1	.1619 ((-2694))	.1077 ((-1597))	64-3	((-.0816)) .0605	((-.0508)) .0423
52-2	.2070 ((-2730))	.1250 ((-1672))	64-4	((-.0291)) .0227	((-.0204)) .0168
52-3	.2198 ((-2730))	.1503 ((-1672))	64-5	((-.1162)) .1362	((-.0998)) .1006
52-4	.2198 ((-3683))	.1503 ((-1548))	64-6	((-.0417)) .0323	((-.0353)) .0277
52-5	.3360 ((-2730))	.1382 ((-1672))	64-7	((-.0721)) .0586	((-.0660)) .0569
52-6	.2198 ((-2093))	.1503 ((-1235))	64-8	((-.1777)) .1556	((-.1153)) .1051
52-7	.1734 ((-0793))	.1038 ((-0529))	64-9	((-.2070)) .1767	((-.1627)) .1242
53-1	.0649 ((-0089))	.0458 ((-0066))	65-1	((-.0231)) .0197	((-.0171)) .0131
53-5	.0072 ((-0154))	.0052 ((-0097))	65-2	((-.0098)) .0069	((-.0056)) .0048
53-6	.0124 ((-0142))	.0087 ((-0107))	65-3	((-.0638)) .0464	((-.0188)) .0162
53-7	.0129 .0768	.0089 .0386	65-4	((-.0921)) .0672	((-.0749)) .0640

Rates Effective  
January 1, ((1979)) 1980

Rates Effective  
January 1, ((1979)) 1980

Class	Accident Fund Base Rate	Medical Aid Fund Rate
65-5	((.0636)) .0526	((.0373)) .0389
65-6	((.0257)) .0195	((.0138)) .0116
65-7	((.1577)) .1246	((.0836)) .0760
65-8	((.1057)) .0950	((.0629)) .0585
65-9	((.0909)) .0753	((.0632)) .0561
66-1	((.1114)) .0810	((.0480)) .0567
66-2	((.2139)) .1794	((.0980)) .0844
66-3	((.1227)) .1013	((.0647)) .0568
66-4	((.0401)) .0322	((.0249)) .0201
66-5	((.1063)) .0880	((.0444)) .0470
66-7	((.0793)) .0649	((.0529)) .0458
66-8	((.1778)) .1416	((.0734)) .0617
66-9	((.4761)) .4474	((.3243)) .3473
67-4	((.1070)) .0837	((.0798)) .0617
67-5	((.3344)) .2644	((.2305)) .1922
67-6	((.1437)) .1141	((.0725)) .0624
67-7	((.1443*)) 13.15*	((.829*)) 8.86*
67-8	((.685)) 7.4190	((.23760)) 2.6737
67-9	((.0801)) .0620	((.0712)) .0534
68-1	((.3382)) .2647	((.1423)) .1553
68-2	((.2023)) .1721	((.1375)) .1292
68-3	((.6927)) 1.3340	((.6685)) .5937
68-4	((.1724)) .1256	((.0877)) .0722
68-9	((.5131)) .5201	((.9089)) .8696
69-1	-	((.0352)) .0274
69-2	((.5724)) .4148	((.1722)) .1324
69-3	((.20151)) 2.1111	((.0650)) .9566
69-4	((.3873)) .3199	((.2096)) .1536
69-5	((.3873)) .3199	((.2096)) .1536
69-6	-	((.2096)) .1751
69-7	((.5563)) .5941	((.2632)) .1828
69-8	((.1645)) .1330	((.0777)) .0672
69-9	((.0645)) .0471	((.0380)) .0332
71-1	((.0430)) .0335	((.0195)) .0155
71-2	5.89*	8.86*
71-3	.0768	.0386

Class	Accident Fund Base Rate	Medical Aid Fund Rate
71-4	.0102	.0072
71-5	.0752	.0637
71-6	.1515	.0969
71-7	.2273	.1292
71-8	.5174	.2448
71-9	1.1620	.4813
72-1	.0768	.0386
72-2	.0319	.0156

\*Daily rate

AMENDATORY SECTION (Amending Order 78-23, filed 11/27/78)

WAC 296-17-920 ASSESSMENT FOR SUPPLEMENTAL PENSION FUND. The amount of one cent shall be retained by each employer from the earnings of each of his workmen for each hour or fraction thereof the workman is employed. Provided that in classifications 67-7 and 71-2, the employer shall retain eight cents per man-day from each of his workmen. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such monies shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such monies shall be deposited in the supplemental pension fund.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 296-17-588 CLASSIFICATION 35-4.
- (2) WAC 296-17-602 CLASSIFICATION 37-6.

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
4-04-040	REP-P 79-03-047	16-228-245	NEW-E 79-04-023	16-231-200	NEW-P 79-10-144
4-04-040	REP 79-06-024	16-228-320	NEW-P 79-05-113	16-231-205	NEW-P 79-10-144
4-04-080	REP-P 79-03-047	16-228-320	NEW 79-07-090	16-231-210	NEW-P 79-10-144
4-04-080	REP 79-06-024	16-228-330	NEW-P 79-05-113	16-231-215	NEW-P 79-10-144
4-04-170	REP-P 79-03-047	16-228-330	NEW 79-07-090	16-231-220	NEW-P 79-10-144
4-04-170	REP 79-06-024	16-230-115	AMD-P 79-04-085	16-231-225	NEW-P 79-10-144
4-04-210	AMD-P 79-03-047	16-230-115	AMD-P 79-05-115	16-231-230	NEW-P 79-10-144
4-04-210	AMD 79-06-024	16-230-115	AMD-E 79-07-015	16-231-235	NEW-P 79-10-144
4-04-240	REP-P 79-03-047	16-230-115	AMD 79-07-016	16-231-240	NEW-P 79-10-144
4-04-240	REP 79-06-024	16-230-120	AMD-P 79-04-085	16-231-300	NEW-P 79-10-134
4-04-270	REP-P 79-03-047	16-230-120	AMD-P 79-05-115	16-231-305	NEW-P 79-10-134
4-04-270	REP 79-06-024	16-230-120	AMD-E 79-07-015	16-231-310	NEW-P 79-10-134
4-04-300	NEW-P 79-09-083	16-230-120	AMD 79-07-016	16-231-315	NEW-P 79-10-134
4-04-310	NEW-P 79-09-083	16-230-150	AMD 79-02-046	16-231-320	NEW-P 79-10-134
4-12-020	AMD-P 79-03-047	16-230-150	AMD-P 79-03-082	16-231-325	NEW-P 79-10-134
4-12-020	AMD 79-06-024	16-230-150	AMD 79-05-043	16-231-330	NEW-P 79-10-134
4-12-050	REP-P 79-03-047	16-230-160	AMD 79-02-046	16-231-335	NEW-P 79-10-134
4-12-050	REP 79-06-024	16-230-170	AMD 79-02-046	16-231-340	NEW-P 79-10-134
4-12-110	NEW-P 79-09-083	16-230-180	AMD 79-02-046	16-231-345	NEW-P 79-10-134
4-12-160	REP-P 79-03-047	16-230-190	AMD 79-02-046	16-231-400	NEW-P 79-10-147
4-12-160	REP 79-06-024	16-230-190	AMD-P 79-03-082	16-231-405	NEW-P 79-10-147
4-12-170	NEW-P 79-03-047	16-230-190	AMD 79-05-043	16-231-410	NEW-P 79-10-147
4-12-170	NEW 79-06-024	16-230-200	REP 79-02-046	16-231-415	NEW-P 79-10-147
4-12-170	NEW 79-06-024	16-230-260	AMD-P 79-01-080	16-231-420	NEW-P 79-10-147
4-12-180	NEW-P 79-03-047	16-230-260	AMD-P 79-03-043	16-231-425	NEW-P 79-10-147
4-12-180	NEW 79-06-024	16-230-270	AMD-P 79-01-080	16-231-430	NEW-P 79-10-147
4-12-190	NEW-P 79-03-047	16-230-270	AMD-P 79-03-043	16-231-500	NEW-P 79-10-140
4-12-190	NEW 79-06-024	16-230-270	AMD 79-04-018	16-231-505	NEW-P 79-10-140
4-20-020	AMD-P 79-03-047	16-230-290	AMD-P 79-01-080	16-231-510	NEW-P 79-10-140
4-20-020	AMD 79-06-024	16-230-290	AMD-P 79-03-043	16-231-515	NEW-P 79-10-140
4-20-030	AMD-P 79-03-047	16-230-420	AMD-P 79-10-132	16-231-520	NEW-P 79-10-140
4-20-030	AMD 79-06-024	16-230-430	AMD-P 79-10-132	16-231-525	NEW-P 79-10-140
4-20-045	AMD-P 79-03-047	16-230-440	AMD-P 79-10-132	16-231-530	NEW-P 79-10-140
4-20-045	AMD 79-06-024	16-230-510	NEW-E 79-05-004	16-231-535	NEW-P 79-10-140
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16-86-006	NEW-P 79-07-129	16-230-510	NEW 79-07-091	16-231-600	NEW-P 79-10-141
16-86-006	NEW 79-09-076	16-230-520	NEW-E 79-05-004	16-231-605	NEW-P 79-10-141
16-86-007	NEW-E 79-07-128	16-230-520	NEW-P 79-05-114	16-231-610	NEW-P 79-10-141
16-86-007	NEW-P 79-07-129	16-230-520	NEW 79-07-091	16-231-615	NEW-P 79-10-141
16-86-007	NEW 79-09-076	16-230-600	NEW-P 79-10-142	16-231-620	NEW-P 79-10-141
16-86-010	NEW-E 79-07-128	16-230-605	NEW-P 79-10-142	16-231-625	NEW-P 79-10-141
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16-86-012	NEW 79-09-076	16-230-615	NEW-P 79-10-142	16-231-705	NEW-P 79-10-146
16-86-015	AMD-E 79-04-103	16-230-620	NEW-P 79-10-142	16-231-710	NEW-P 79-10-146
16-86-015	AMD-P 79-05-103	16-230-625	NEW-P 79-10-142	16-231-715	NEW-P 79-10-146
16-86-015	AMD-P 79-07-028	16-230-630	NEW-P 79-10-142	16-231-720	NEW-P 79-10-146
16-86-015	AMD 79-07-089	16-230-635	NEW-P 79-10-142	16-231-725	NEW-P 79-10-146
16-86-015	AMD-E 79-07-101	16-230-640	NEW-P 79-10-142	16-231-730	NEW-P 79-10-146
16-86-015	AMD-P 79-07-129	16-230-645	NEW-P 79-10-142	16-231-800	NEW-P 79-10-136
16-86-015	AMD 79-09-076	16-230-650	NEW-P 79-10-142	16-231-805	NEW-P 79-10-136
16-86-092	NEW-P 79-09-073	16-230-655	NEW-P 79-10-142	16-231-810	NEW-P 79-10-136
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16-86-095	NEW 79-09-076	16-230-675	NEW-P 79-10-142	16-231-830	NEW-P 79-10-136
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16-212-085	NEW-P 79-09-117	16-231-010	NEW-P 79-10-143	16-231-845	NEW-P 79-10-136
16-212-160	AMD-P 79-03-078	16-231-015	NEW-P 79-10-143	16-231-900	NEW-P 79-10-139
16-212-160	AMD 79-05-055	16-231-020	NEW-P 79-10-143	16-231-905	NEW-P 79-10-139
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16-228-165	AMD-P 79-02-077	16-231-110	NEW-P 79-10-145	16-231-935	NEW-P 79-10-139
16-228-165	AMD-P 79-04-056	16-231-115	NEW-P 79-10-145	16-231-940	NEW-P 79-10-139
16-228-165	AMD-P 79-04-086	16-231-120	NEW-P 79-10-145	16-232-001	NEW-P 79-10-135
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		16-231-145	NEW-P 79-10-145	16-232-025	NEW-P 79-10-135
		16-231-150	NEW-P 79-10-145	16-232-030	NEW-P 79-10-135

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16-232-100	NEW-P	79-10-138	16-316-0049	REP-P	79-03-077	16-316-310	AMD-P	79-07-120
16-232-105	NEW-P	79-10-138	16-316-0049	REP	79-05-079	16-316-310	AMD	79-09-101
16-232-110	NEW-P	79-10-138	16-316-0051	REP-P	79-03-077	16-316-315	AMD-P	79-03-080
16-232-115	NEW-P	79-10-138	16-316-0051	REP	79-05-079	16-316-315	AMD	79-05-071
16-232-120	NEW-P	79-10-138	16-316-0052	REP-P	79-03-077	16-316-325	REP-P	79-03-080
16-232-125	NEW-P	79-10-138	16-316-0052	REP	79-05-079	16-316-325	REP	79-05-071
16-232-130	NEW-P	79-10-138	16-316-0054	REP-P	79-03-077	16-316-326	AMD-P	79-03-080
16-232-200	NEW-P	79-10-137	16-316-0054	REP	79-05-079	16-316-326	AMD	79-05-071
16-232-205	NEW-P	79-10-137	16-316-0056	REP-P	79-03-077	16-316-327	AMD-P	79-03-080
16-232-210	NEW-P	79-10-137	16-316-0056	REP	79-05-079	16-316-327	AMD	79-05-071
16-232-215	NEW-P	79-10-137	16-316-0057	REP-P	79-03-052	16-316-350	AMD-P	79-03-059
16-232-220	NEW-P	79-10-137	16-316-0057	REP	79-05-065	16-316-350	AMD	79-05-060
16-232-225	NEW-P	79-10-137	16-316-0061	REP-P	79-03-077	16-316-350	AMD-P	79-07-118
16-232-230	NEW-P	79-10-137	16-316-0061	REP	79-05-079	16-316-350	AMD	79-09-100
16-300-003	REP-P	79-03-053	16-316-0063	REP-P	79-03-077	16-316-370	AMD-P	79-03-059
16-300-003	REP	79-05-066	16-316-0063	REP	79-05-079	16-316-370	AMD	79-05-060
16-300-020	AMD-P	79-03-053	16-316-0064	REP-P	79-03-077	16-316-370	AMD-P	79-07-118
16-300-020	AMD	79-05-066	16-316-0064	REP	79-05-079	16-316-370	AMD	79-09-100
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16-304-002	REP	79-05-072	16-316-0066	REP	79-05-079	16-316-440	AMD	79-05-078
16-304-003	REP-P	79-03-065	16-316-007	REP-P	79-03-077	16-316-460	AMD-P	79-03-070
16-304-003	REP	79-05-072	16-316-007	REP	79-05-079	16-316-460	AMD	79-05-078
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16-304-006	REP	79-05-072	16-316-0071	REP	79-05-079	16-316-470	AMD	79-05-074
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16-304-040	AMD	79-05-072	16-316-0075	REP	79-05-079	16-316-472	AMD	79-09-105
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16-316-0012	REP	79-05-079	16-316-0901	AMD	79-05-064	16-316-540	AMD	79-05-056
16-316-0013	REP-P	79-03-077	16-316-0901	AMD-P	79-07-112	16-316-545	AMD-P	79-03-071
16-316-0013	REP	79-05-079	16-316-0901	AMD	79-09-098	16-316-545	AMD	79-05-056
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16-316-0014	REP	79-05-079	16-316-160	AMD	79-09-097	16-316-550	AMD	79-05-056
16-316-0017	REP-P	79-03-077	16-316-165	AMD-P	79-03-061	16-316-550	AMD-P	79-07-127
16-316-0017	REP	79-05-079	16-316-165	AMD	79-05-068	16-316-550	AMD	79-09-095
16-316-0018	REP-P	79-03-077	16-316-175	AMD-P	79-03-061	16-316-600	AMD-P	79-03-050
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16-316-0028	REP	79-05-079	16-316-190	AMD	79-05-068	16-316-660	AMD	79-05-076
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16-316-0031	REP	79-05-079	16-316-215	AMD	79-09-096	16-316-690	AMD	79-05-058
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16-316-0036	REP	79-05-079	16-316-270	AMD	79-05-067	16-316-820	AMD	79-05-065
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16-316-0039	REP	79-05-079	16-316-275	AMD	79-05-067	16-316-830	AMD	79-05-065
16-316-0041	REP-P	79-03-077	16-316-280	AMD-P	79-03-060	16-316-840	AMD-P	79-03-052
16-316-0041	REP	79-05-079	16-316-280	AMD	79-05-067	16-316-840	AMD	79-05-065
16-316-0042	REP-P	79-03-052	16-316-285	AMD-P	79-03-060	16-316-900	AMD-P	79-03-066
16-316-0042	REP	79-05-065	16-316-285	AMD	79-05-067	16-316-900	AMD	79-05-061
16-316-0046	REP-P	79-03-077	16-316-290	AMD-P	79-03-060	16-316-925	AMD-P	79-03-066
16-316-0046	REP	79-05-079	16-316-290	AMD	79-05-067	16-316-925	AMD	79-05-061
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16-317-050	AMD-P	79-03-055	16-427-070	REP	79-04-026	16-432-070	NEW	79-04-026
16-317-050	AMD	79-05-080	16-428-001	REP-P	79-02-071	16-432-080	NEW-P	79-02-071
16-317-060	AMD-P	79-03-055	16-428-001	REP	79-04-026	16-432-080	NEW	79-04-026
16-317-060	AMD	79-05-080	16-428-010	REP-P	79-02-071	16-432-090	NEW-P	79-02-071
16-317-080	NEW-P	79-07-111	16-428-010	REP	79-04-026	16-432-090	NEW	79-04-026
16-317-080	NEW	79-09-102	16-428-020	REP-P	79-02-071	16-432-100	NEW-P	79-02-071
16-319-020	AMD-P	79-03-079	16-428-020	REP	79-04-026	16-432-100	NEW	79-04-026
16-319-020	AMD	79-05-070	16-428-030	REP-P	79-02-071	16-432-110	NEW-P	79-02-071
16-319-041	AMD-P	79-03-079	16-428-030	REP	79-04-026	16-432-110	NEW	79-04-026
16-319-041	AMD	79-05-070	16-428-040	REP-P	79-02-071	16-432-120	NEW-P	79-02-071
16-320-010	REP-P	79-03-057	16-428-040	REP	79-04-026	16-432-120	NEW	79-04-026
16-320-010	REP	79-05-075	16-428-050	REP-P	79-02-071	16-432-130	NEW-P	79-02-071
16-320-020	REP-P	79-03-057	16-428-050	REP	79-04-026	16-432-130	NEW	79-04-026
16-320-020	REP	79-05-075	16-428-060	REP-P	79-02-071	16-454-050	REP-P	79-02-071
16-320-030	REP-P	79-03-057	16-428-060	REP	79-04-026	16-454-050	REP	79-04-026
16-320-030	REP	79-05-075	16-428-070	REP-P	79-02-071	16-454-055	REP-P	79-02-071
16-320-040	REP-P	79-03-057	16-428-070	REP	79-04-026	16-454-055	REP	79-04-026
16-320-040	REP	79-05-075	16-429-001	REP-P	79-02-071	16-454-060	REP-P	79-02-071
16-320-050	REP-P	79-03-057	16-429-001	REP	79-04-026	16-454-060	REP	79-04-026
16-320-050	REP	79-05-075	16-429-010	REP-P	79-02-071	16-454-065	REP-P	79-02-071
16-320-060	REP-P	79-03-057	16-429-010	REP	79-04-026	16-454-065	REP	79-04-026
16-320-060	REP	79-05-075	16-429-020	REP-P	79-02-071	16-454-070	REP-P	79-02-071
16-320-070	REP-P	79-03-057	16-429-020	REP	79-04-026	16-454-070	REP	79-04-026
16-320-070	REP	79-05-075	16-429-030	REP-P	79-02-071	16-454-075	REP-P	79-02-071
16-320-080	REP-P	79-03-057	16-429-030	REP	79-04-026	16-454-075	REP	79-04-026
16-320-080	REP	79-05-075	16-429-040	REP-P	79-02-071	16-454-080	REP-P	79-02-071
16-320-090	REP-P	79-03-057	16-429-040	REP	79-04-026	16-454-080	REP	79-04-026
16-320-090	REP	79-05-075	16-429-050	REP-P	79-02-071	16-454-085	REP-P	79-02-071
16-320-100	REP-P	79-03-057	16-429-050	REP	79-04-026	16-454-085	REP	79-04-026
16-320-100	REP	79-05-075	16-429-060	REP-P	79-02-071	16-454-090	REP-P	79-02-071
16-320-110	REP-P	79-03-057	16-429-060	REP	79-04-026	16-454-090	REP	79-04-026
16-320-110	REP	79-05-075	16-429-070	REP-P	79-02-071	16-454-095	REP-P	79-02-071
16-320-120	REP-P	79-03-057	16-429-070	REP	79-04-026	16-454-095	REP	79-04-026
16-320-120	REP	79-05-075	16-429-080	REP-P	79-02-071	16-494-001	AMD-P	79-07-115
16-354-020	AMD-P	79-04-090	16-429-080	REP	79-04-026	16-494-001	AMD	79-09-099
16-354-020	AMD	79-06-038	16-429-090	REP-P	79-02-071	16-494-040	AMD-P	79-03-063
16-354-040	AMD-P	79-04-090	16-429-090	REP	79-04-026	16-494-040	AMD	79-05-063
16-354-040	AMD	79-06-038	16-429-100	REP-P	79-02-071	16-494-040	AMD-P	79-07-115
16-401-003	REP-P	79-02-072	16-429-100	REP	79-04-026	16-494-040	AMD	79-09-099
16-401-003	REP	79-04-025	16-430-001	REP-P	79-02-071	16-494-060	REP-P	79-07-115
16-401-025	AMD-P	79-02-072	16-430-001	REP	79-04-026	16-494-060	REP	79-09-099
16-401-025	AMD	79-04-025	16-430-010	REP-P	79-02-071	16-495-001	REP-P	79-03-056
16-401-030	AMD-P	79-02-072	16-430-010	REP	79-04-026	16-495-001	REP	79-05-086
16-401-030	AMD	79-04-025	16-430-015	REP-P	79-02-071	16-495-002	REP-P	79-03-056
16-401-035	REP-P	79-02-072	16-430-015	REP	79-04-026	16-495-002	REP	79-05-086
16-401-035	REP	79-04-025	16-430-020	REP-P	79-02-071	16-495-003	REP-P	79-03-056
16-403-135	REP-P	79-05-087	16-430-020	REP	79-04-026	16-495-003	REP	79-05-086
16-403-135	REP	79-07-068	16-430-025	REP-P	79-02-071	16-495-004	AMD-P	79-07-117
16-403-13501	REP-P	79-05-087	16-430-025	REP	79-04-026	16-495-004	AMD	79-09-103
16-403-13501	REP	79-07-068	16-430-040	REP-P	79-02-071	16-495-005	REP-P	79-03-056
16-403-170	AMD-P	79-01-076	16-430-040	REP	79-04-026	16-495-005	REP	79-05-086
16-403-170	AMD-P	79-05-087	16-430-050	REP-P	79-02-071	16-495-050	AMD-P	79-03-069
16-403-170	AMD	79-07-068	16-430-050	REP	79-04-026	16-495-050	AMD	79-05-085
16-403-300	REP-P	79-05-087	16-430-060	REP-P	79-02-071	16-495-060	REP-P	79-03-056
16-403-300	REP	79-07-068	16-430-060	REP	79-04-026	16-495-070	REP-P	79-07-117
16-427-001	REP-P	79-02-071	16-430-070	REP-P	79-02-071	16-495-070	REP	79-09-103
16-427-001	REP	79-04-026	16-430-070	REP	79-04-026	16-495-080	AMD-P	79-03-056
16-427-010	REP-P	79-02-071	16-430-100	REP-P	79-02-071	16-495-080	AMD	79-05-086
16-427-010	REP	79-04-026	16-430-100	REP	79-04-026	16-495-085	AMD-P	79-03-056
16-427-015	REP-P	79-02-071	16-430-110	REP-P	79-02-071	16-495-085	AMD	79-05-086
16-427-015	REP	79-04-026	16-430-110	REP	79-04-026	16-495-090	AMD-P	79-03-056
16-427-020	REP-P	79-02-071	16-432-010	NEW-P	79-02-071	16-495-090	AMD	79-05-086
16-427-020	REP	79-04-026	16-432-010	NEW	79-04-026	16-495-095	AMD-P	79-03-056
16-427-025	REP-P	79-02-071	16-432-020	NEW-P	79-02-071	16-495-095	AMD	79-05-086
16-427-025	REP	79-04-026	16-432-020	NEW	79-04-026	16-495-105	AMD-P	79-03-056
16-427-030	REP-P	79-02-071	16-432-030	NEW-P	79-02-071	16-495-105	AMD	79-05-086
16-427-030	REP	79-04-026	16-432-030	NEW	79-04-026	16-529-140	AMD-P	79-03-076
16-427-040	REP-P	79-02-071	16-432-040	NEW-P	79-02-071	16-529-140	AMD	79-07-061
16-427-040	REP	79-04-026	16-432-040	NEW	79-04-026	16-620-007	REP-P	79-02-004
16-427-050	REP-P	79-02-071	16-432-050	NEW-P	79-02-071	16-620-007	REP-P	79-02-076
16-427-050	REP	79-04-026	16-432-050	NEW	79-04-026	16-620-007	REP-P	79-05-104
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16-620-007	REP-P	79-07-017	50-16-075	AMD	79-04-042	67-32-280	NEW-P	79-05-106
16-620-007	REP	79-07-098	50-16-080	AMD-P	79-01-095	67-32-280	NEW	79-08-016
16-620-100	AMD-P	79-05-104	50-16-080	AMD	79-04-042	67-32-290	NEW-P	79-05-106
16-620-100	AMD-P	79-05-105	50-16-095	AMD-P	79-01-095	67-32-290	NEW	79-08-016
16-620-100	AMD-P	79-07-007	50-16-095	AMD	79-04-042	67-32-300	NEW-P	79-05-106
16-620-100	AMD-P	79-07-017	50-16-100	AMD-P	79-01-095	67-32-300	NEW	79-08-016
16-620-100	AMD	79-07-098	50-16-100	AMD	79-04-042	67-32-310	NEW-P	79-05-106
16-620-240	AMD-P	79-02-004	50-20-010	AMD-P	79-01-095	67-32-310	NEW	79-08-016
16-620-240	AMD-P	79-02-076	50-20-010	AMD	79-04-042	67-32-320	NEW-P	79-05-106
16-620-240	AMD-P	79-05-104	50-20-050	AMD-P	79-01-095	67-32-320	NEW	79-08-016
16-620-240	AMD-P	79-05-105	50-20-050	AMD	79-04-042	67-32-330	NEW-P	79-05-106
16-620-240	AMD-P	79-07-007	50-24-030	AMD-P	79-01-095	67-32-330	NEW	79-08-016
16-620-240	AMD-P	79-07-017	50-24-030	AMD	79-04-042	67-32-340	NEW-P	79-05-106
16-620-240	AMD	79-07-098	50-24-120	AMD-P	79-01-095	67-32-340	NEW	79-08-016
16-620-260	AMD-P	79-02-004	50-24-120	AMD	79-04-042	67-32-350	NEW-P	79-05-106
16-620-260	AMD-P	79-02-076	50-24-140	AMD-P	79-01-095	67-32-350	NEW	79-08-016
16-620-260	AMD-P	79-05-104	50-24-140	AMD	79-04-042	67-32-360	NEW-P	79-05-106
16-620-260	AMD-P	79-05-105	51-10	AMD-P	79-02-078	67-32-360	NEW	79-08-016
16-620-260	AMD-P	79-07-007	51-10	AMD-P	79-02-078	67-32-370	NEW-P	79-05-106
16-620-260	AMD-P	79-07-017	67-32-010	NEW-P	79-05-106	67-32-370	NEW	79-08-016
16-620-260	AMD	79-07-098	67-32-010	NEW	79-08-016	67-32-380	NEW-P	79-05-106
16-620-265	NEW-P	79-05-104	67-32-020	NEW-P	79-05-106	67-32-380	NEW	79-08-016
16-620-265	NEW-P	79-05-105	67-32-020	NEW	79-08-016	67-32-390	NEW-P	79-05-106
16-620-265	NEW-P	79-07-007	67-32-030	NEW-P	79-05-106	67-32-390	NEW	79-08-016
16-620-265	NEW-P	79-07-017	67-32-030	NEW	79-08-016	67-32-400	NEW-P	79-05-106
16-620-265	NEW	79-07-098	67-32-040	NEW-P	79-05-106	67-32-400	NEW	79-08-016
16-620-270	AMD-P	79-05-104	67-32-040	NEW	79-08-016	67-32-410	NEW-P	79-05-106
16-620-270	AMD-P	79-05-105	67-32-050	NEW-P	79-05-106	67-32-410	NEW	79-08-016
16-620-270	AMD-P	79-07-007	67-32-050	NEW	79-08-016	67-32-420	NEW-P	79-05-106
16-620-270	AMD-P	79-07-017	67-32-055	NEW	79-08-016	67-32-420	NEW	79-08-016
16-620-270	AMD	79-07-098	67-32-060	NEW-P	79-05-106	67-32-430	NEW-P	79-05-106
16-620-370	NEW-P	79-05-104	67-32-060	NEW	79-08-016	67-32-430	NEW	79-08-016
16-620-370	NEW-P	79-05-105	67-32-070	NEW-P	79-05-106	67-32-440	NEW-P	79-05-106
16-620-370	NEW-P	79-07-007	67-32-070	NEW	79-08-016	67-32-440	NEW	79-08-016
16-620-370	NEW-P	79-07-017	67-32-080	NEW-P	79-05-106	67-32-450	NEW-P	79-05-106
16-620-370	NEW	79-07-098	67-32-080	NEW	79-08-016	67-32-450	NEW	79-08-016
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16-657-001	NEW-P	79-10-148	67-32-090	NEW	79-08-016	67-32-460	NEW	79-08-016
16-657-010	NEW-E	79-10-032	67-32-100	NEW-P	79-05-106	67-32-470	NEW-P	79-05-106
16-657-010	NEW-P	79-10-148	67-32-100	NEW	79-08-016	67-32-470	NEW	79-08-016
16-657-020	NEW-E	79-10-032	67-32-110	NEW-P	79-05-106	67-32-480	NEW-P	79-05-106
16-657-020	NEW-P	79-10-148	67-32-110	NEW	79-08-016	67-32-480	NEW	79-08-016
16-657-030	NEW-E	79-10-032	67-32-120	NEW-P	79-05-106	67-32-490	NEW-P	79-05-106
16-657-030	NEW-P	79-10-148	67-32-120	NEW	79-08-016	67-32-490	NEW	79-08-016
16-700-001	REP-P	79-09-115	67-32-130	NEW-P	79-05-106	67-32-500	NEW-P	79-05-106
16-700-002	NEW-P	79-09-115	67-32-130	NEW	79-08-016	67-32-500	NEW	79-08-016
16-700-020	REP-P	79-09-115	67-32-140	NEW-P	79-05-106	67-32-510	NEW-P	79-05-106
16-700-021	NEW-P	79-09-115	67-32-140	NEW	79-08-016	67-32-510	NEW	79-08-016
16-700-022	NEW-P	79-09-115	67-32-150	NEW-P	79-05-106	67-32-520	NEW-P	79-05-106
16-700-024	NEW-P	79-09-115	67-32-150	NEW	79-08-016	67-32-520	NEW	79-08-016
16-700-027	NEW-P	79-09-115	67-32-160	NEW-P	79-05-106	67-32-910	NEW-P	79-05-106
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24-12-010	AMD	79-04-045	67-32-170	NEW	79-08-016	82-16-010	AMD	79-09-057
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50-12-010	AMD-P	79-08-145	67-32-180	NEW	79-08-016	82-16-020	AMD-P	79-07-109
50-12-010	AMD	79-10-107	67-32-190	NEW-P	79-05-106	82-16-020	AMD	79-09-057
50-12-040	AMD-P	79-01-095	67-32-190	NEW	79-08-016	82-16-020	AMD-E	79-09-111
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50-12-040	AMD	79-04-042	67-32-200	NEW	79-08-016	82-16-090	AMD	79-09-057
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50-12-050	AMD	79-04-042	67-32-220	NEW-P	79-05-106	82-16-900	AMD	79-09-057
50-16-030	AMD-P	79-01-095	67-32-220	NEW	79-08-016	82-16-900	AMD-E	79-09-111
50-16-030	AMD	79-04-042	67-32-230	NEW-P	79-05-106	82-16-9001	AMD-P	79 07-109
50-16-035	AMD-P	79-01-095	67-32-230	NEW	79-08-016	82-16-9001	AMD	79-09-057
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50-16-060	AMD-P	79-01-095	67-32-250	NEW	79-08-016	82-24-020	AMD-P	79-07-110
50-16-060	AMD	79-04-042	67-32-260	NEW-P	79-05-106	82-24-020	AMD	79-09-056
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82-24-080	AMD 79-09-056	106-120-210	AMD 79-06-046	106-136-625	AMD 79-06-046
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82-24-090	AMD 79-09-056	106-120-220	AMD 79-06-046	106-136-630	AMD 79-06-046
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82-24-100	AMD 79-09-056	106-120-230	AMD 79-06-046	106-136-643	AMD 79-06-046
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82-24-110	AMD 79-09-056	106-120-240	AMD 79-06-046	106-136-644	AMD 79-06-046
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82-24-130	AMD 79-09-056	106-120-250	AMD 79-06-046	106-136-670	AMD 79-06-046
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82-28-010	AMD-P 79-03-022	106-120-700	AMD 79-06-046	106-136-680	AMD 79-06-046
82-28-010	AMD-P 79-03-040	106-120-800	AMD-P 79-03-042	106-136-910	AMD-P 79-03-042
82-28-010	AMD 79-04-010	106-120-800	AMD 79-06-046	106-136-910	AMD 79-06-046
82-28-040	AMD-P 79-01-091	106-120-900	AMD-P 79-03-042	106-136-911	AMD-P 79-03-042
82-28-040	AMD-P 79-03-022	106-120-900	AMD 79-06-046	106-136-911	AMD 79-06-046
82-28-040	AMD-P 79-03-040	106-124-011	AMD-P 79-04-044	106-136-920	AMD-P 79-03-042
82-28-040	AMD 79-04-010	106-124-011	AMD 79-06-046	106-136-920	AMD 79-06-046
82-28-050	AMD-P 79-01-091	106-136-200	AMD-P 79-03-042	113-10-080	REP-P 79-08-083
82-28-050	AMD-P 79-03-022	106-136-200	AMD 79-06-046	113-10-080	REP 79-10-099
82-28-050	AMD-P 79-03-040	106-136-201	AMD-P 79-03-042	113-12-030	REP-P 79-08-083
82-28-050	AMD 79-04-010	106-136-201	AMD 79-06-046	113-12-030	REP 79-10-099
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82-28-06001	AMD-P 79-03-022	106-136-202	AMD 79-06-046	113-12-045	REP 79-10-099
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132H-140-060	AMD	79-10-051	132S-197-010	NEW-E	79-10-066	132U-60-008	REP	79-05-038
132H-140-900	AMD-P	79-08-108	132S-197-010	NEW-P	79-10-067	132U-60-009	REP-P	79-03-035
132H-140-900	AMD	79-10-051	132S-197-012	NEW-E	79-10-066	132U-60-009	REP	79-05-038
132H-140-900I	REP-P	79-08-108	132S-197-012	NEW-P	79-10-067	132U-60-010	REP-P	79-03-035
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132H-160-093	NEW-E	79-09-031	132T-116-010	NEW	79-10-128	132U-60-011	REP	79-05-038
132H-160-094	NEW-E	79-10-049	132T-116-015	NEW-P	79-08-113	132U-60-012	REP-P	79-03-035
132H-160-094	NEW-P	79-10-053	132T-116-015	NEW-E	79-10-018	132U-60-012	REP	79-05-038
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132K-300-010	NEW	79-10-044	132T-116-020	NEW-P	79-08-113	136-18-030	AMD	79-01-098
132K-300-020	NEW-P	79-08-026	132T-116-020	NEW-E	79-10-018	136-18-040	REP	79-01-098
132K-300-020	NEW	79-10-044	132T-116-020	NEW	79-10-128	136-18-050	AMD	79-01-098
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132K-300-040	NEW-P	79-08-026	132T-116-025	NEW	79-10-128	136-20-010	AMD	79-01-099
132K-300-040	NEW	79-10-044	132T-116-025	NEW-P	79-08-113	136-20-020	AMD	79-01-099
132L-30-010	NEW-P	79-08-136	132T-116-030	NEW-P	79-08-113	136-20-030	AMD	79-01-099
132L-30-020	NEW-P	79-08-136	132T-116-030	NEW-E	79-10-018	136-20-040	AMD	79-01-099
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173-19-130	AMD-E	79-07-048	173-19-340	AMD	79-09-001	173-58-030	NEW	79-04-033
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173-19-230	AMD-E	79-07-048	173-19-410	AMD	79-09-001	173-134-050	AMD	79-08-080
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173-19-240	AMD-E	79-07-048	173-19-420	AMD	79-09-001	173-134-060	AMD-P	79-05-112
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173-19-250	AMD-P	79-08-094	173-19-430	AMD-E	79-07-048	173-134-150	NEW	79-08-080
173-19-250	AMD	79-09-001	173-19-430	AMD	79-09-001	173-134-160	NEW-P	79-05-112
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173-19-270	AMD-P	79-09-135	173-19-460	AMD	79-09-001	173-240-020	NEW	79-02-033
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173-19-280	AMD-E	79-07-048	173-19-470	AMD-E	79-07-048	173-240-040	NEW	79-02-033
173-19-280	AMD	79-09-001	173-19-470	AMD	79-09-001	173-240-050	NEW	79-02-033
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173-400-070	AMD	79-06-012	174-126-010	NEW	79-07-003
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173-400-080	AMD	79-06-012	174-126-020	NEW	79-07-003
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173-400-110	AMD	79-06-012	174-126-030	NEW	79-07-003
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180-79-065	AMD-P	79-04-071			
180-79-065	AMD	79-06-051			
180-79-115	AMD-P	79-04-071			
180-79-115	AMD	79-06-051			
180-79-120	AMD-P	79-04-071			
180-79-120	AMD	79-06-051			
180-79-125	AMD-P	79-04-071			
180-79-125	AMD	79-06-051			
180-79-230	AMD-P	79-04-071			
180-79-230	AMD	79-06-051			
180-79-245	AMD-P	79-04-071			
180-79-245	AMD	79-06-051			
180-80-215	AMD-P	79-04-073			
180-80-215	AMD	79-06-052			
180-80-312	AMD-P	79-04-073			
180-80-312	AMD	79-06-052			
180-80-705	AMD-P	79-04-073			
180-80-705	AMD	79-06-052			
180-100-020	AMD-P	79-08-104			
182-08-080	REP-P	79-09-010			
182-08-080	REP-E	79-09-011			
182-08-090	REP-P	79-09-010			
182-08-090	REP-E	79-09-011			
182-08-111	NEW-P	79-09-010			
182-08-111	NEW-E	79-09-011			
194-14	AMD-P	79-09-018			
194-14-030	AMD-P	79-07-092			
194-14-030	AMD-E	79-07-094			
194-14-030	AMD	79-09-078			
194-14-040	AMD-P	79-07-092			
194-14-040	AMD-E	79-07-094			
194-14-040	AMD	79-09-078			
194-14-060	AMD-P	79-07-092			
194-14-060	AMD-E	79-07-094			
194-14-060	AMD	79-09-078			
194-14-080	REP-P	79-07-092			
194-14-080	REP-E	79-07-094			
194-14-080	REP	79-09-078			
194-14-120	AMD-P	79-07-092			
194-14-120	AMD-E	79-07-094			
194-14-120	AMD	79-09-078			
194-14-130	AMD-P	79-07-092			
194-14-130	AMD-E	79-07-094			
194-14-130	AMD	79-09-078			
194-14-160	AMD-P	79-07-092			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
194-14-160	AMD-E	79-07-094	204-68-050	NEW	79-09-092	212-20-215	NEW-P	79-07-018
194-14-160	AMD	79-09-078	204-68-060	NEW-E	79-06-072	212-20-215	NEW	79-09-012
198-09-010	NEW-P	79-09-137	204-68-060	NEW-P	79-07-050	212-20-220	NEW-P	79-07-018
198-09-010	NEW-E	79-09-140	204-68-060	NEW	79-09-092	212-20-220	NEW	79-09-012
198-12-010	NEW-P	79-09-137	204-68-070	NEW-E	79-06-072	212-20-225	NEW-P	79-07-018
198-12-010	NEW-E	79-09-140	204-68-070	NEW-P	79-07-050	212-20-225	NEW	79-09-012
198-12-020	NEW-P	79-09-137	204-68-070	NEW	79-09-092	212-20-230	NEW-P	79-07-018
198-12-020	NEW-E	79-09-140	204-68-080	NEW-E	79-06-072	212-20-230	NEW	79-09-012
198-12-030	NEW-P	79-09-137	204-68-080	NEW-P	79-07-050	212-20-235	NEW-P	79-07-018
198-12-030	NEW-E	79-09-140	204-68-080	NEW	79-09-092	212-20-235	NEW	79-09-012
198-12-040	NEW-P	79-09-137	204-68-090	NEW-E	79-06-072	212-20-240	NEW-P	79-07-018
198-12-040	NEW-E	79-09-140	204-68-090	NEW-P	79-07-050	212-20-240	NEW	79-09-012
198-12-050	NEW-P	79-09-137	204-68-090	NEW	79-09-092	212-20-245	NEW-P	79-07-018
198-12-050	NEW-E	79-09-140	204-68-100	NEW-E	79-06-072	212-20-245	NEW	79-09-012
198-12-060	NEW-P	79-09-137	204-68-100	NEW-P	79-07-050	212-20-250	NEW-P	79-07-018
198-12-060	NEW-E	79-09-140	204-68-100	NEW	79-09-092	212-20-250	NEW	79-09-012
198-12-070	NEW-P	79-09-137	204-68-110	NEW-E	79-06-072	212-20-305	NEW-P	79-07-018
198-12-070	NEW-E	79-09-140	204-68-110	NEW-P	79-07-050	212-20-305	NEW	79-09-012
198-12-080	NEW-P	79-09-137	204-68-110	NEW	79-09-092	212-20-310	NEW-P	79-07-018
198-12-080	NEW-E	79-09-140	204-68-120	NEW-E	79-06-072	212-20-310	NEW	79-09-012
198-12-090	NEW-P	79-09-137	204-68-120	NEW-P	79-07-050	212-20-315	NEW-P	79-07-018
198-12-090	NEW-E	79-09-140	204-68-120	NEW	79-09-092	212-20-315	NEW	79-09-012
198-12-100	NEW-P	79-09-137	204-68-130	NEW-E	79-06-072	212-20-320	NEW-P	79-07-018
198-12-100	NEW-E	79-09-140	204-68-130	NEW-P	79-07-050	212-20-320	NEW	79-09-012
198-12-110	NEW-P	79-09-137	204-68-130	NEW	79-09-092	212-20-405	NEW-P	79-07-018
198-12-110	NEW-E	79-09-140	204-68-140	NEW-E	79-06-072	212-20-405	NEW	79-09-012
198-12-120	NEW-P	79-09-137	204-68-140	NEW-P	79-07-050	212-20-410	NEW-P	79-07-018
198-12-120	NEW-E	79-09-140	204-68-140	NEW	79-09-092	212-20-410	NEW	79-09-012
198-12-130	NEW-P	79-09-137	212-20-001	NEW-P	79-07-018	212-20-415	NEW-P	79-07-018
198-12-130	NEW-E	79-09-140	212-20-001	NEW	79-09-012	212-20-415	NEW	79-09-012
198-12-140	NEW-P	79-09-137	212-20-010	AMD-P	79-07-018	212-20-420	NEW-P	79-07-018
198-12-140	NEW-E	79-09-140	212-20-010	AMD	79-09-012	212-20-420	NEW	79-09-012
204-36-010	AMD	79-02-085	212-20-015	NEW-P	79-07-018	212-20-425	NEW-P	79-07-018
204-36-020	AMD	79-02-085	212-20-015	NEW	79-09-012	212-20-425	NEW	79-09-012
204-36-030	AMD	79-02-085	212-20-020	REP-P	79-07-018	212-20-430	NEW-P	79-07-018
204-36-060	AMD	79-02-085	212-20-020	REP	79-09-012	212-20-430	NEW	79-09-012
204-36-070	AMD	79-02-085	212-20-025	NEW-P	79-07-018	212-20-500	NEW-P	79-07-018
204-52-010	NEW	79-02-084	212-20-025	NEW	79-09-012	212-20-500	NEW	79-09-012
204-52-020	NEW	79-02-084	212-20-030	REP-P	79-07-018	212-20-600	NEW-P	79-07-018
204-52-030	NEW	79-02-084	212-20-030	REP	79-09-012	212-20-600	NEW	79-09-012
204-52-040	NEW	79-02-084	212-20-035	NEW-P	79-07-018	212-20-605	NEW-P	79-07-018
204-52-050	NEW	79-02-084	212-20-035	NEW	79-09-012	212-20-605	NEW	79-09-012
204-52-060	NEW	79-02-084	212-20-040	REP-P	79-07-018	212-20-610	NEW-P	79-07-018
204-52-070	NEW	79-02-084	212-20-040	REP	79-09-012	212-20-610	NEW	79-09-012
204-52-080	NEW	79-02-084	212-20-045	NEW-P	79-07-018	212-20-615	NEW-P	79-07-018
204-52-090	NEW	79-02-084	212-20-045	NEW	79-09-012	212-20-615	NEW	79-09-012
204-52-100	NEW	79-02-084	212-20-050	REP-P	79-07-018	212-20-620	NEW-P	79-07-018
204-66-060	AMD-P	79-07-050	212-20-050	REP	79-09-012	212-20-620	NEW	79-09-012
204-66-120	AMD-E	79-07-049	212-20-055	NEW-P	79-07-018	212-20-625	NEW-P	79-07-018
204-66-120	AMD-P	79-07-050	212-20-055	NEW	79-09-012	212-20-625	NEW	79-09-012
204-66-120	AMD	79-09-093	212-20-060	REP-P	79-07-018	212-20-630	NEW-P	79-07-018
204-66-140	AMD-P	79-09-090	212-20-060	REP	79-09-012	212-20-630	NEW	79-09-012
204-66-140	AMD-E	79-09-091	212-20-065	NEW-P	79-07-018	212-20-635	NEW-P	79-07-018
204-66-160	AMD-P	79-03-074	212-20-065	NEW	79-09-012	212-20-635	NEW	79-09-012
204-66-160	AMD	79-05-109	212-20-070	REP-P	79-07-018	212-20-640	NEW-P	79-07-018
204-66-180	AMD	79-01-077	212-20-070	REP	79-09-012	212-20-640	NEW	79-09-012
204-66-180	AMD-P	79-07-050	212-20-075	NEW-P	79-07-018	212-20-645	NEW-P	79-07-018
204-66-180	AMD-P	79-07-073	212-20-075	NEW	79-09-012	212-20-645	NEW	79-09-012
204-66-180	AMD-E	79-07-074	212-20-080	REP-P	79-07-018	212-20-650	NEW-P	79-07-018
204-66-180	AMD	79-09-093	212-20-080	REP	79-09-012	212-20-650	NEW	79-09-012
204-68-010	NEW-E	79-06-072	212-20-085	NEW-P	79-07-018	212-20-655	NEW-P	79-07-018
204-68-010	NEW-P	79-07-050	212-20-085	NEW	79-09-012	212-20-655	NEW	79-09-012
204-68-010	NEW	79-09-092	212-20-090	NEW-P	79-07-018	212-20-660	NEW-P	79-07-018
204-68-020	NEW-E	79-06-072	212-20-090	NEW	79-09-012	212-20-660	NEW	79-09-012
204-68-020	NEW-P	79-07-050	212-20-095	NEW-P	79-07-018	212-20-665	NEW-P	79-07-018
204-68-020	NEW	79-09-092	212-20-095	NEW	79-09-012	212-20-665	NEW	79-09-012
204-68-030	NEW-E	79-06-072	212-20-100	NEW-P	79-07-018	212-20-990	NEW-P	79-07-018
204-68-030	NEW-P	79-07-050	212-20-100	NEW	79-09-012	212-20-990	NEW	79-09-012
204-68-030	NEW	79-09-092	212-20-200	NEW-P	79-07-018	220-16-025	AMD-P	79-01-100
204-68-040	NEW-E	79-06-072	212-20-200	NEW	79-09-012	220-16-025	AMD	79-03-014
204-68-040	NEW-P	79-07-050	212-20-205	NEW-P	79-07-018	220-16-028	AMD-P	79-01-100
204-68-040	NEW	79-09-092	212-20-205	NEW	79-09-012	220-16-028	AMD	79-03-014
204-68-050	NEW-E	79-06-072	212-20-210	NEW-P	79-07-018	220-16-045	REP-P	79-01-100
204-68-050	NEW-P	79-07-050	212-20-210	NEW	79-09-012	220-16-050	REP-P	79-01-100

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-16-050	REP	79-03-014	220-28-005FOG	REP-E	79-10-100	220-28-007CON	NEW-E	79-08-045
220-16-051	NEW-P	79-01-100	220-28-005FOH	NEW-E	79-10-100	220-28-007C0N	REP-E	79-09-020
220-16-051	NEW	79-03-014	220-28-005GOB	NEW-E	79-08-045	220-28-007C0P	NEW-E	79-09-020
220-16-060	REP-P	79-01-100	220-28-005GOB	REP-E	79-09-020	220-28-007C0P	REP-E	79-09-036
220-16-060	REP	79-03-014	220-28-00600J	NEW-E	79-05-081	220-28-007C0Q	NEW-E	79-09-036
220-16-070	AMD-P	79-02-083	220-28-00600J	REP-E	79-07-025	220-28-007C0Q	REP-E	79-09-062
220-16-070	AMD-P	79-04-015	220-28-00600K	NEW-E	79-07-025	220-28-007C0R	NEW-E	79-09-062
220-16-070	AMD	79-05-007	220-28-00600L	NEW-E	79-07-044	220-28-007F0E	REP-E	79-02-002
220-16-135	REP-P	79-01-100	220-28-00600L	REP-E	79-08-006	220-28-007F0F	NEW-E	79-05-081
220-16-340	AMD-P	79-02-083	220-28-00600M	NEW-E	79-08-006	220-28-007F0G	NEW-E	79-08-045
220-16-340	AMD-P	79-04-015	220-28-00600M	REP-E	79-10-089	220-28-007G0C	REP-E	79-02-002
220-16-340	AMD	79-05-007	220-28-00600N	NEW-E	79-10-089	220-28-007G0D	NEW-E	79-07-086
220-20-010	AMD-P	79-07-124	220-28-006A0G	NEW-E	79-05-081	220-28-007G0D	REP-E	79-10-100
220-20-010	AMD	79-10-013	220-28-006A0H	NEW-E	79-07-044	220-28-007G0E	NEW-E	79-10-100
220-20-01000A	NEW-E	79-08-010	220-28-006A0H	REP-E	79-08-006	220-28-00800Q	NEW-E	79-05-081
220-20-012	NEW-P	79-08-101	220-28-006A0I	NEW-E	79-08-006	220-28-00800Q	REP-E	79-07-025
220-20-012	NEW-P	79-10-079	220-28-006A0I	REP-E	79-10-089	220-28-00800R	NEW-E	79-07-025
220-20-015	AMD-P	79-07-124	220-28-006A0J	NEW-E	79-10-089	220-28-00800R	REP-E	79-08-006
220-20-015	AMD	79-10-013	220-28-006B0K	NEW-E	79-07-025	220-28-00800S	NEW-E	79-08-006
220-20-020	AMD-P	79-01-100	220-28-006B0K	REP-E	79-08-006	220-28-00800S	REP-E	79-09-002
220-20-020	AMD-P	79-02-083	220-28-006B0L	NEW-E	79-08-006	220-28-00800T	NEW-E	79-09-002
220-20-020	AMD	79-03-014	220-28-006B0L	REP-E	79-10-045	220-28-00800T	REP-E	79-09-036
220-20-020	AMD-P	79-04-015	220-28-006B0M	NEW-E	79-10-045	220-28-00800U	NEW-E	79-09-036
220-22-010	AMD-P	79-05-116	220-28-006C0C	NEW-E	79-05-081	220-28-00800U	REP-E	79-10-014
220-22-010	AMD	79-07-045	220-28-006C0C	REP-E	79-07-025	220-28-00800V	NEW-E	79-10-014
220-22-030	AMD-P	79-05-116	220-28-006C0D	NEW-E	79-07-025	220-28-008A0G	NEW-E	79-09-002
220-22-030	AMD	79-07-045	220-28-006C0E	NEW-E	79-07-044	220-28-008A0G	REP-E	79-09-051
220-22-03000A	NEW-E	79-08-006	220-28-006C0E	REP-E	79-07-086	220-28-008A0H	NEW-E	79-09-051
220-22-03000A	REP-E	79-08-072	220-28-006C0F	NEW-E	79-07-086	220-28-008A0H	REP-E	79-10-014
220-22-230	REP-P	79-05-116	220-28-006C0F	REP-E	79-08-006	220-28-008A0I	NEW-E	79-10-014
220-22-310	REP-P	79-05-116	220-28-006C0G	NEW-E	79-08-006	220-28-008A0I	REP-E	79-10-110
220-22-310	REP	79-07-045	220-28-006C0G	REP-E	79-10-089	220-28-008A0J	NEW-E	79-10-110
220-22-320	REP	79-07-045	220-28-006C0H	NEW-E	79-10-089	220-28-008F0N	NEW-E	79-05-081
220-22-330	REP-P	79-05-116	220-28-006D0A	NEW-E	79-08-006	220-28-008F0N	REP-E	79-07-025
220-22-330	REP	79-07-045	220-28-006D0A	REP-E	79-09-020	220-28-008F0O	NEW-E	79-07-025
220-22-400	AMD-P	79-01-100	220-28-006D0B	NEW-E	79-09-020	220-28-008F0O	REP-E	79-09-002
220-24-01000B	NEW-E	79-06-073	220-28-006D0B	REP-E	79-09-036	220-28-008F0P	NEW-E	79-09-002
220-24-020	AMD-P	79-05-117	220-28-006D0C	NEW-E	79-09-036	220-28-008F0P	REP-E	79-09-036
220-24-020	AMD	79-07-046	220-28-006D0C	REP-E	79-10-014	220-28-008F0Q	NEW-E	79-09-036
220-24-02000B	NEW-E	79-08-070	220-28-006D0D	NEW-E	79-10-014	220-28-008F0Q	REP-E	79-10-014
220-24-02000B	REP-E	79-09-107	220-28-006D0D	REP-E	79-10-089	220-28-008FOR	NEW-E	79-10-014
220-24-02000C	NEW-E	79-09-107	220-28-006F0D	NEW-E	79-09-020	220-28-008FOR	REP-E	79-10-045
220-24-02000C	REP-E	79-10-015	220-28-006F0D	REP-E	79-09-036	220-28-008FOS	NEW-E	79-10-045
220-24-02000D	NEW-E	79-10-015	220-28-006F0E	NEW-E	79-09-036	220-28-008G0C	NEW-E	79-09-002
220-24-030	AMD-P	79-05-117	220-28-006F0E	REP-E	79-10-100	220-28-008G0C	REP-E	79-10-045
220-28-001H0A	NEW-E	79-06-056	220-28-006F0F	NEW-E	79-10-100	220-28-008G0D	NEW-E	79-10-045
220-28-00400B	NEW-E	79-08-006	220-28-006G0D	NEW-E	79-09-020	220-28-008H0D	NEW-E	79-09-002
220-28-00400B	REP-E	79-09-139	220-28-006G0D	REP-E	79-09-106	220-28-008H0D	REP-E	79-10-045
220-28-00400C	NEW-E	79-09-139	220-28-006G0E	NEW-E	79-09-106	220-28-008H0E	NEW-E	79-10-045
220-28-00400C	REP-E	79-10-015	220-28-006G0E	REP-E	79-10-089	220-28-008J0A	NEW-E	79-10-100
220-28-00400D	NEW-E	79-10-015	220-28-006G0F	NEW-E	79-10-089	220-28-00900E	NEW-E	79-07-025
220-28-004B0G	NEW-E	79-05-081	220-28-006G0F	REP-E	79-10-100	220-28-00900E	REP-E	79-08-006
220-28-004B0G	REP-E	79-06-004	220-28-006G0G	NEW-E	79-10-100	220-28-00900F	NEW-E	79-08-006
220-28-004B0H	NEW-E	79-06-004	220-28-00700B	NEW-E	79-05-081	220-28-00900F	REP-E	79-10-045
220-28-004B0H	REP-E	79-07-025	220-28-00700C	NEW-E	79-07-044	220-28-00900G	NEW-E	79-10-045
220-28-004B0I	NEW-E	79-07-025	220-28-00700C	REP-E	79-08-006	220-28-01000H	NEW-E	79-07-025
220-28-004B0J	NEW-E	79-07-044	220-28-00700D	NEW-E	79-08-006	220-28-01000H	REP-E	79-08-006
220-28-004B0J	REP-E	79-07-086	220-28-00700D	REP-E	79-10-089	220-28-01000I	NEW-E	79-08-006
220-28-004B0K	NEW-E	79-07-086	220-28-00700E	NEW-E	79-10-089	220-28-01000I	REP-E	79-09-062
220-28-004B0K	REP-E	79-08-006	220-28-007A0A	NEW-E	79-05-081	220-28-01000J	NEW-E	79-09-062
220-28-004B0L	NEW-E	79-08-006	220-28-007A0B	NEW-E	79-07-044	220-28-010A0L	NEW-E	79-07-025
220-28-005001	NEW-E	79-05-081	220-28-007A0B	REP-E	79-08-006	220-28-010A0L	REP-E	79-08-006
220-28-005001	REP-E	79-07-025	220-28-007A0C	NEW-E	79-08-006	220-28-010A0M	NEW-E	79-10-014
220-28-00500J	NEW-E	79-07-025	220-28-007A0C	REP-E	79-10-089	220-28-010A0M	REP-E	79-10-039
220-28-00500K	NEW-E	79-07-044	220-28-007A0D	NEW-E	79-10-089	220-28-010B0L	NEW-E	79-07-025
220-28-00500K	REP-E	79-07-086	220-28-007B0J	NEW-E	79-05-081	220-28-010B0L	REP-E	79-08-006
220-28-00500L	NEW-E	79-07-086	220-28-007B0K	NEW-E	79-08-045	220-28-010B0M	NEW-E	79-08-006
220-28-00500L	REP-E	79-08-006	220-28-007B0K	REP-E	79-09-020	220-28-010C0I	NEW-E	79-07-025
220-28-00500M	NEW-E	79-08-006	220-28-007B0L	NEW-E	79-09-036	220-28-010C0I	REP-E	79-08-006
220-28-00500M	REP-E	79-10-089	220-28-007C0K	NEW-E	79-05-081	220-28-010C0J	NEW-E	79-08-006
220-28-00500N	NEW-E	79-10-089	220-28-007C0L	NEW-E	79-07-086	220-28-010D0G	REP-E	79-02-002
220-28-005F0F	NEW-E	79-07-086	220-28-007C0L	REP-E	79-08-006	220-28-010D0H	NEW-E	79-07-025
220-28-005F0F	REP-E	79-09-020	220-28-007C0M	NEW-E	79-08-006	220-28-010D0H	REP-E	79-08-006
220-28-005F0G	NEW-E	79-09-020	220-28-007C0M	REP-E	79-08-045	220-28-010D0I	NEW-E	79-08-006



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220-28-010F0J	REP-E	79-10-058	220-32-04000E	NEW-E	79-02-035	220-49-022	AMD	79-03-014
220-28-010F0J	NEW-E	79-10-058	220-32-04000F	NEW-E	79-05-093	220-50-010	NEW-P	79-02-083
220-28-010F0J	REP-E	79-10-105	220-32-04000F	REP-E	79-06-080	220-50-010	NEW-P	79-04-015
220-28-010F0K	NEW-E	79-10-105	220-32-04000F	NEW-E	79-08-100	220-50-020	NEW-P	79-02-083
220-28-010F0K	REP-E	79-10-115	220-32-04000G	NEW-E	79-06-080	220-50-020	NEW-P	79-04-015
220-28-01100E	NEW-E	79-09-062	220-32-05100H	NEW-E	79-02-035	220-50-030	NEW-P	79-02-083
220-28-011A0G	NEW-E	79-09-079	220-32-05100H	REP-E	79-04-050	220-50-030	NEW-P	79-04-015
220-28-011A0G	REP-E	79-10-014	220-32-05100I	NEW-E	79-04-050	220-50-040	NEW-P	79-02-083
220-28-011A0H	NEW-E	79-10-014	220-32-05100J	NEW-E	79-09-005	220-50-040	NEW-P	79-04-015
220-28-011A0H	REP-E	79-10-047	220-32-05100J	REP-E	79-09-049	220-50-050	NEW-P	79-02-083
220-28-011F0F	NEW-E	79-09-079	220-32-05100K	NEW-E	79-09-049	220-50-050	NEW-P	79-04-015
220-28-011F0F	REP-E	79-10-014	220-32-05100K	REP-E	79-10-080	220-50-060	NEW-P	79-02-083
220-28-011F0G	NEW-E	79-10-014	220-32-05100L	NEW-E	79-10-080	220-50-060	NEW-P	79-04-015
220-28-011F0G	REP-E	79-10-047	220-32-05500B	NEW-E	79-09-005	220-50-080	NEW-P	79-02-083
220-28-011G0C	NEW-E	79-09-079	220-32-05700D	NEW-E	79-02-035	220-50-080	NEW-P	79-04-015
220-28-011G0C	REP-E	79-10-014	220-32-05700E	NEW-E	79-08-100	220-50-100	NEW-P	79-02-083
220-28-011G0D	NEW-E	79-10-014	220-32-05800C	NEW-E	79-10-028	220-50-100	NEW-P	79-04-015
220-28-011G0D	REP-E	79-10-100	220-32-05800C	REP-E	79-10-048	220-52-018	AMD	79-02-053
220-28-01200I	NEW-E	79-08-081	220-32-05800D	NEW-E	79-10-048	220-52-019	AMD	79-02-053
220-28-01200I	REP-E	79-09-036	220-32-05800D	REP-E	79-10-080	220-52-019	AMD-P	79-10-162
220-28-01200J	NEW-E	79-09-036	220-32-05800E	NEW-E	79-10-080	220-52-01901	AMD-P	79-10-162
220-28-01200J	REP-E	79-09-051	220-36-02000A	NEW-E	79-08-076	220-52-01900C	NEW-E	79-07-043
220-28-01200K	NEW-E	79-09-051	220-36-02100M	NEW-E	79-08-007	220-52-01900C	REP-E	79-07-058
220-28-01200K	REP-E	79-10-014	220-36-02100M	REP-E	79-09-043	220-52-01900D	NEW-E	79-07-058
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220-28-012A0E	NEW-E	79-10-014	220-36-03001	AMD-P	79-02-083	220-52-01900E	NEW-E	79-10-062
220-28-012A0E	REP-E	79-10-076	220-36-03001	AMD-P	79-04-015	220-52-040	AMD	79-02-053
220-28-012B0C	NEW-E	79-08-081	220-36-03001	AMD	79-05-007	220-52-043	AMD	79-02-053
220-28-012B0C	REP-E	79-09-036	220-40-02000A	NEW-E	79-08-076	220-52-050	AMD	79-02-053
220-28-012B0D	NEW-E	79-09-036	220-40-02000A	REP-E	79-09-107	220-52-053	AMD	79-02-053
220-28-012B0D	REP-E	79-09-051	220-40-02000B	NEW-E	79-09-107	220-52-05300D	NEW-E	79-05-118
220-28-012B0E	NEW-E	79-09-051	220-40-021	AMD-P	79-05-117	220-52-05300E	NEW-E	79-07-008
220-28-012B0E	REP-E	79-10-014	220-40-021	AMD	79-07-046	220-52-060	AMD	79-02-053
220-28-012B0F	NEW-E	79-10-014	220-40-02100H	NEW-E	79-08-007	220-52-071	AMD	79-02-053
220-28-012C0H	NEW-E	79-08-006	220-40-02100H	REP-E	79-08-072	220-52-073	AMD	79-02-053
220-28-012C0H	REP-E	79-08-045	220-40-022	AMD-P	79-05-117	220-52-074	AMD	79-02-053
220-28-012C0I	NEW-E	79-08-045	220-40-022	AMD	79-07-046	220-52-07400A	REP-E	79-02-042
220-28-012C0I	REP-E	79-09-051	220-40-02200G	NEW-E	79-10-029	220-52-07400B	NEW-E	79-02-042
220-28-012C0J	NEW-E	79-09-051	220-40-02200G	REP-E	79-10-077	220-52-075	NEW	79-02-053
220-28-012C0J	REP-E	79-10-014	220-40-02200H	NEW-E	79-10-077	220-52-075	AMD-P	79-10-162
220-28-012C0K	NEW-E	79-10-014	220-40-02200H	REP-E	79-10-106	220-55-010	NEW-P	79-07-123
220-28-012C0K	REP-E	79-10-045	220-40-02200I	NEW-E	79-10-106	220-55-010	NEW	79-09-021
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220-28-012D0J	NEW-E	79-08-006	220-40-02200J	NEW-E	79-10-163	220-55-015	NEW	79-09-021
220-28-012D0J	REP-E	79-10-014	220-40-024	AMD-P	79-05-117	220-55-020	NEW-P	79-07-123
220-28-012D0K	NEW-E	79-10-014	220-40-024	AMD	79-07-046	220-55-020	NEW	79-09-021
220-28-012E0D	NEW-E	79-07-086	220-40-025	AMD-P	79-05-117	220-55-025	NEW-P	79-07-123
220-28-012E0D	REP-E	79-08-006	220-40-025	AMD	79-07-046	220-55-025	NEW	79-09-021
220-28-012F0B	NEW-E	79-09-051	220-40-030	AMD-P	79-02-083	220-55-030	NEW-P	79-07-123
220-28-012F0B	REP-E	79-10-045	220-40-030	AMD-P	79-04-015	220-55-030	NEW	79-09-021
220-28-012F0C	NEW-E	79-10-045	220-40-030	AMD	79-05-007	220-55-035	NEW-P	79-07-123
220-28-01300L	NEW-E	79-09-062	220-44-020	AMD-P	79-04-097	220-55-035	NEW	79-09-021
220-28-013B0G	REP-E	79-02-002	220-44-020	AMD	79-06-085	220-55-040	NEW-P	79-07-123
220-28-013B0H	NEW-E	79-09-062	220-44-030	AMD-P	79-01-100	220-55-040	NEW	79-09-021
220-28-013G0C	REP-E	79-02-002	220-44-030	AMD	79-03-014	220-55-045	NEW-P	79-07-123
220-28-013G0D	NEW-E	79-03-003	220-44-040	AMD-P	79-01-100	220-55-045	NEW	79-09-021
220-28-013G0E	NEW-E	79-10-063	220-44-040	AMD	79-03-014	220-55-050	NEW-P	79-07-123
220-28-04000A	NEW-E	79-06-003	220-47-50300A	NEW-E	79-09-107	220-55-050	NEW	79-09-021
220-28-04000A	REP-E	79-08-006	220-48-080	AMD-P	79-01-100	220-55-055	NEW-P	79-07-123
220-32-02200B	NEW-E	79-02-035	220-48-080	AMD	79-03-014	220-55-055	NEW	79-09-021
220-32-02200C	NEW-E	79-08-100	220-48-08000A	NEW-E	79-02-045	220-55-060	NEW-P	79-07-123
220-32-03000L	NEW-E	79-02-035	220-48-09100A	NEW-E	79-02-013	220-55-060	NEW	79-09-021
220-32-03000L	REP-E	79-03-073	220-48-09600C	NEW-E	79-04-002	220-55-065	NEW-P	79-07-123
220-32-03000M	NEW-E	79-03-073	220-48-100	AMD-P	79-01-100	220-55-065	NEW	79-09-021
220-32-03000N	NEW-E	79-09-005	220-48-100	AMD	79-03-014	220-56-013	AMD-P	79-05-117
220-32-03000N	REP-E	79-09-037	220-49-020	AMD-P	79-01-100	220-56-013	AMD	79-07-046
220-32-03000P	NEW-E	79-09-037	220-49-020	AMD	79-03-014	220-56-01300C	NEW-E	79-09-059
220-32-03000P	REP-E	79-10-027	220-49-02000D	NEW-E	79-03-009	220-56-01300C	REP-E	79-09-122
220-32-03000Q	NEW-E	79-10-027	220-49-02100B	NEW-E	79-04-098	220-56-01300D	NEW-E	79-09-122
220-32-03000Q	REP-E	79-10-059	220-49-02100B	REP-E	79-05-051	220-56-019	AMD	79-02-052
220-32-03000R	NEW-E	79-10-059	220-49-02100C	NEW-E	79-05-051	220-56-021	AMD	79-02-052
220-32-03000R	REP-E	79-10-080	220-49-02100C	REP-E	79-05-094	220-56-023	AMD	79-02-052
220-32-03000S	NEW-E	79-10-080	220-49-02100D	NEW-E	79-05-094	220-56-050	AMD-P	79-02-054

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220-56-06300B	NEW-E	79-05-042	220-57A-03000C	NEW-E	79-10-009	232-12-010	AMD	79-08-066
220-56-06300B	REP-E	79-08-072	220-57A-03000C	REP-E	79-10-094	232-12-040	AMD-P	79-08-137
220-56-06300C	NEW-E	79-09-108	220-57A-040	AMD	79-02-052	232-12-070	AMD-P	79-05-107
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220-56-06300D	NEW-E	79-09-122	220-57A-065	AMD	79-02-052	232-12-130	AMD-P	79-05-107
220-56-06300D	REP-E	79-10-046	220-57A-080	AMD	79-02-052	232-12-130	AMD	79-08-066
220-56-06300E	NEW-E	79-10-046	220-57A-095	AMD	79-02-052	232-12-201	NEW	79-08-066
220-56-064	AMD-P	79-05-117	220-57A-115	AMD	79-02-052	232-12-205	NEW-P	79-05-107
220-56-065	AMD	79-02-052	220-57A-120	AMD	79-02-052	232-12-360	AMD-P	79-05-107
220-56-06500A	NEW-E	79-03-046	220-57A-135	AMD	79-02-052	232-12-360	AMD	79-08-066
220-56-06500B	NEW-E	79-07-013	220-57A-150	AMD	79-02-052	232-12-490	AMD-P	79-04-096
220-56-06500C	NEW-E	79-10-061	220-57A-155	AMD	79-02-052	232-12-490	AMD	79-07-010
220-56-080	AMD	79-02-052	220-57A-185	AMD	79-02-052	232-12-500	AMD-P	79-05-107
220-56-08000G	NEW-E	79-02-051	220-57A-190	AMD	79-02-052	232-12-500	AMD	79-08-066
220-56-08000G	REP-E	79-05-034	220-74-020	AMD-P	79-07-124	232-12-510	AMD	79-02-008
220-56-084	AMD	79-02-052	220-74-020	AMD	79-10-013	232-12-655	NEW-P	79-05-107
220-56-08400D	NEW-E	79-05-118	220-74-022	NEW-P	79-07-124	232-12-655	NEW	79-08-066
220-56-086	AMD	79-02-052	220-74-022	NEW	79-10-013	232-12-816	AMD-P	79-05-107
220-56-088	AMD	79-02-052	220-95-010	AMD	79-03-025	232-12-816	AMD	79-08-066
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220-57-130	AMD	79-02-052	220-95-010	AMD-P	79-10-079	232-16-070	AMD	79-10-166
220-57-135	AMD	79-02-052	220-95-015	AMD	79-03-025	232-16-600	NEW-P	79-07-126
220-57-137	NEW	79-02-052	220-95-015	AMD-P	79-07-124	232-16-600	NEW	79-09-082
220-57-145	AMD	79-02-052	220-95-015	AMD	79-10-013	232-18	AMD-P	79-05-011
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220-57-160	AMD	79-02-052	220-95-020	AMD	79-10-013	232-18-025	AMD	79-08-116
220-57-16000D	NEW-E	79-06-013	220-95-025	REP-P	79-07-124	232-18-040	AMD-P	79-02-009
220-57-16000D	REP-E	79-08-100	220-95-025	REP	79-10-013	232-18-040	AMD	79-08-116
220-57-16000E	NEW-E	79-06-017	220-95-030	AMD-P	79-07-124	232-18-050	AMD-P	79-02-009
220-57-16000E	REP-E	79-08-100	220-95-030	AMD	79-10-013	232-18-050	AMD	79-08-116
220-57-16000F	NEW-E	79-10-090	220-95-035	REP-P	79-07-124	232-18-060	AMD-P	79-02-009
220-57-200	AMD	79-02-052	220-95-035	REP	79-10-013	232-18-060	AMD	79-08-116
220-57-205	AMD	79-02-052	220-95-050	AMD-P	79-07-124	232-18-100	AMD-P	79-02-009
220-57-210	AMD	79-02-052	220-95-050	AMD	79-10-013	232-18-100	AMD	79-08-116
220-57-215	AMD	79-02-052	230-02-010	AMD-P	79-05-121	232-18-150	AMD-P	79-02-009
220-57-220	AMD	79-02-052	230-02-010	AMD	79-07-019	232-18-150	AMD	79-08-116
220-57-235	AMD	79-02-052	230-04-070	AMD-P	79-03-090	232-18-190	AMD-P	79-02-009
220-57-240	AMD	79-02-052	230-04-070	AMD	79-05-026	232-18-190	AMD	79-08-116
220-57-24000A	REP-E	79-06-006	230-04-110	AMD-P	79-05-121	232-18-203	AMD-P	79-02-009
220-57-24000B	NEW-E	79-06-006	230-04-110	AMD	79-07-019	232-18-203	AMD	79-08-116
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220-57-265	AMD	79-02-052	230-04-140	AMD	79-09-029	232-18-205	AMD	79-08-116
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220-57-290	AMD	79-02-052	230-04-141	REP	79-09-029	232-18-240	AMD	79-08-116
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220-57-305	AMD	79-02-052	230-04-142	NEW	79-09-029	232-18-300	AMD	79-08-116
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220-57-31500A	NEW-E	79-06-017	230-04-199	NEW	79-05-026	232-18-305	AMD	79-08-116
220-57-31500A	REP-E	79-08-100	230-04-200	AMD-P	79-03-090	232-18-310	AMD-P	79-02-009
220-57-345	AMD	79-02-052	230-04-200	AMD	79-05-026	232-18-310	AMD	79-08-116
220-57-350	AMD	79-02-052	230-04-200	AMD-P	79-10-125	232-18-320	AMD-P	79-02-009
220-57-370	AMD	79-02-052	230-04-450	AMD-P	79-07-069	232-18-320	AMD	79-08-116
220-57-385	AMD	79-02-052	230-04-450	AMD	79-09-029	232-18-330	AMD-P	79-02-009
220-57-38500B	NEW-E	79-06-006	230-08-140	AMD-P	79-07-064	232-18-330	AMD	79-08-116
220-57-400	AMD	79-02-052	230-08-140	AMD	79-09-029	232-18-340	AMD-P	79-02-009
220-57-42500A	NEW-E	79-09-059	230-25-035	NEW-P	79-10-125	232-18-340	AMD	79-08-116
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220-57-455	AMD	79-02-052	230-30-015	AMD-P	79-05-121	232-18-345	AMD	79-08-116
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220-57-46000B	NEW-E	79-06-006	230-30-070	AMD-P	79-07-064	232-18-350	AMD	79-08-116
220-57-46000C	NEW-E	79-09-080	230-30-070	AMD	79-09-029	232-18-355	AMD-P	79-02-009
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220-57-480	AMD	79-02-052	230-30-080	AMD-P	79-05-121	232-18-360	AMD	79-08-116
220-57-48500A	NEW-E	79-06-017	230-30-080	AMD	79-07-019	232-18-365	AMD-P	79-02-009
220-57-505	AMD	79-02-052	230-30-100	AMD-P	79-05-121	232-18-365	AMD	79-08-116
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220-57-50500A	REP-E	79-08-100	230-30-106	AMD-P	79-07-064	232-18-370	AMD	79-08-116
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220-57-51500B	NEW-E	79-06-017	230-30-200	AMD-P	79-07-064	232-18-375	AMD	79-08-116
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232-18-420	AMD-P	79-02-009	232-28-601000B	NEW-E	79-05-013	247-12-090	NEW-E	79-10-102
232-18-420	AMD	79-08-116	232-28-60101	NEW-P	79-04-096	247-12-100	NEW-E	79-08-005
232-18-425	AMD-P	79-02-009	232-28-601000C	NEW-E	79-05-108	247-12-100	NEW-P	79-08-037
232-18-425	AMD	79-08-116	232-28-60101	NEW	79-07-011	247-12-100	NEW	79-10-101
232-18-440	AMD-P	79-02-009	232-28-60102	NEW-P	79-04-096	247-12-100	NEW-E	79-10-102
232-18-440	AMD	79-08-116	232-28-60102	NEW	79-07-011	247-12-101	NEW-E	79-08-005
232-18-442	AMD-P	79-02-009	232-28-60103	NEW-E	79-08-117	247-12-101	NEW-P	79-08-037
232-18-442	AMD	79-08-116	232-28-60104	NEW-E	79-08-122	247-12-101	NEW	79-10-101
232-18-444	AMD-P	79-02-009	232-28-602	NEW-P	79-07-100	247-12-101	NEW-E	79-10-102
232-18-444	AMD	79-08-116	232-28-700	REP	79-03-039	247-16-010	NEW-E	79-08-005
232-18-450	AMD-P	79-02-009	232-28-701	NEW	79-03-039	247-16-010	NEW-P	79-08-037
232-18-450	AMD	79-08-116	232-28-800	REP-P	79-02-086	247-16-010	NEW	79-10-101
232-18-455	AMD-P	79-02-009	232-28-800	REP	79-05-037	247-16-010	NEW-E	79-10-102
232-18-455	AMD	79-08-116	232-28-801	NEW-P	79-02-086	247-16-020	NEW-E	79-08-005
232-18-460	AMD-P	79-02-009	232-28-801	NEW	79-05-037	247-16-020	NEW-P	79-08-037
232-18-460	AMD	79-08-116	232-32-114	NEW-E	79-03-045	247-16-020	NEW	79-10-101
232-18-470	AMD-P	79-02-009	236-12-440	AMD-P	79-03-011	247-16-020	NEW-E	79-10-102
232-18-470	AMD	79-08-116	236-12-440	AMD-E	79-03-012	247-16-030	NEW-E	79-08-005
232-18-480	AMD-P	79-02-009	236-12-440	AMD	79-05-005	247-16-030	NEW-P	79-08-037
232-18-480	AMD	79-08-116	247-02-010	NEW-E	79-08-005	247-16-030	NEW	79-10-101
232-18-485	AMD-P	79-02-009	247-02-010	NEW-P	79-08-037	247-16-030	NEW-E	79-10-102
232-18-485	AMD	79-08-116	247-02-010	NEW	79-10-101	247-16-040	NEW-E	79-08-005
232-18-500	AMD-P	79-02-009	247-02-010	NEW-E	79-10-102	247-16-040	NEW-P	79-08-037
232-18-500	AMD	79-08-116	247-02-020	NEW-E	79-08-005	247-16-040	NEW	79-10-101
232-18-535	AMD-P	79-02-009	247-02-020	NEW-P	79-08-037	247-16-040	NEW-E	79-10-102
232-18-535	AMD	79-08-116	247-02-020	NEW	79-10-101	247-16-050	NEW-E	79-08-005
232-18-540	AMD-P	79-02-009	247-02-020	NEW-E	79-10-102	247-16-050	NEW-P	79-08-037
232-18-540	AMD	79-08-116	247-02-030	NEW-E	79-08-005	247-16-050	NEW	79-10-101
232-18-545	AMD-P	79-02-009	247-02-030	NEW-P	79-08-037	247-16-050	NEW-E	79-10-102
232-18-545	AMD	79-08-116	247-02-030	NEW	79-10-101	247-16-060	NEW-E	79-08-005
232-18-550	AMD-P	79-02-009	247-02-030	NEW-E	79-10-102	247-16-060	NEW-P	79-08-037
232-18-550	AMD	79-08-116	247-02-040	NEW-E	79-08-005	247-16-060	NEW	79-10-101
232-18-570	AMD-P	79-02-009	247-02-040	NEW-P	79-08-037	247-16-060	NEW-E	79-10-102
232-18-570	AMD	79-08-116	247-02-040	NEW	79-10-101	247-16-070	NEW-E	79-08-005
232-18-580	AMD-P	79-02-009	247-02-040	NEW-E	79-10-102	247-16-070	NEW-P	79-08-037
232-18-580	AMD	79-08-116	247-02-050	NEW-E	79-08-005	247-16-070	NEW	79-10-101
232-18-600	AMD-P	79-02-009	247-02-050	NEW-P	79-08-037	247-16-070	NEW-E	79-10-102
232-18-600	AMD	79-08-116	247-02-050	NEW	79-10-101	247-16-080	NEW-E	79-08-005
232-18-650	AMD-P	79-02-009	247-02-050	NEW-E	79-10-102	247-16-080	NEW-P	79-08-037
232-18-650	AMD	79-08-116	247-12-010	NEW-E	79-08-005	247-16-080	NEW	79-10-101
232-18-660	AMD-P	79-02-009	247-12-010	NEW-P	79-08-037	247-16-080	NEW-E	79-10-102
232-18-660	AMD	79-08-116	247-12-010	NEW	79-10-101	248-08-595	AMD	79-02-055
232-18-690	AMD-P	79-02-009	247-12-010	NEW-E	79-10-102	248-14-001	AMD	79-02-036
232-18-690	AMD	79-08-116	247-12-020	NEW-E	79-08-005	248-14-001		79-10-097
232-18-695	AMD-P	79-02-009	247-12-020	NEW-P	79-08-037	248-14-001		79-10-098
232-18-695	AMD	79-08-116	247-12-020	NEW	79-10-101	248-14-010		79-10-097
232-18-700	AMD-P	79-02-009	247-12-020	NEW-E	79-10-102	248-14-010		79-10-098
232-18-700	AMD	79-08-116	247-12-030	NEW-E	79-08-005	248-14-010		79-10-098
232-18-830	REP-P	79-02-009	247-12-030	NEW-P	79-08-037	248-14-020		79-10-097
232-18-830	REP	79-08-116	247-12-030	NEW	79-10-101	248-14-020		79-10-098
232-18-835	REP-P	79-02-009	247-12-030	NEW-E	79-10-102	248-14-030		79-10-097
232-18-835	REP	79-08-116	247-12-040	NEW-E	79-08-005	248-14-030		79-10-098
232-28-101	REP-P	79-05-107	247-12-040	NEW-P	79-08-037	248-14-040		79-10-097
232-28-101	REP	79-08-066	247-12-040	NEW	79-10-101	248-14-040		79-10-098
232-28-102	NEW-P	79-05-107	247-12-040	NEW-E	79-10-102	248-14-050		79-10-097
232-28-102	NEW	79-08-066	247-12-050	NEW-E	79-08-005	248-14-050		79-10-098
232-28-201	REP-P	79-04-096	247-12-050	NEW-P	79-08-037	248-14-055		79-10-098
232-28-201	REP	79-07-051	247-12-050	NEW	79-10-101	248-14-055		79-10-097
232-28-202	NEW-P	79-04-096	247-12-050	NEW-E	79-10-102	248-14-060		79-10-098
232-28-202	NEW	79-07-051	247-12-060	NEW-E	79-08-005	248-14-060		79-10-097
232-28-301	REP-P	79-04-096	247-12-060	NEW-P	79-08-037	248-14-065		79-10-098
232-28-301	REP	79-07-051	247-12-060	NEW	79-10-101	248-14-065		79-10-097
232-28-302	NEW-P	79-04-096	247-12-060	NEW-E	79-10-102	248-14-070		79-10-098
232-28-302	NEW	79-07-051	247-12-070	NEW-E	79-08-005	248-14-070		79-10-097
232-28-401	REP-P	79-07-100	247-12-070	NEW-P	79-08-037	248-14-080		79-10-098
232-28-401	REP	79-10-035	247-12-070	NEW	79-10-101	248-14-080		79-10-097
232-28-402	NEW-P	79-07-100	247-12-070	NEW-E	79-10-102	248-14-090		79-10-098
232-28-402	NEW	79-10-035	247-12-080	NEW-E	79-08-005	248-14-090		79-10-097
232-28-501	REP-P	79-05-107	247-12-080	NEW-P	79-08-037	248-14-100		79-10-098
232-28-501	REP	79-09-050	247-12-080	NEW	79-10-101	248-14-100		79-10-097
232-28-502	NEW-P	79-05-107	247-12-080	NEW-E	79-10-102	248-14-110		79-10-098
232-28-502	NEW	79-09-050	247-12-090	NEW-E	79-08-005	248-14-120		79-10-097

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
248-14-120	79-10-098	248-18-170	AMD 79-04-004	248-54-280	REP-P 79-03-089
248-14-130	79-10-097	248-18-215	AMD-P 79-04-074	248-54-280	REP 79-05-019
248-14-130	79-10-098	248-18-215	AMD 79-06-068	248-54-290	REP-P 79-03-089
248-14-140	79-10-097	248-18-220	AMD-P 79-04-074	248-54-290	REP 79-05-019
248-14-140	79-10-098	248-18-220	AMD 79-06-068	248-54-300	REP-P 79-03-089
248-14-150	79-10-097	248-18-223	NEW-P 79-04-074	248-54-300	REP 79-05-019
248-14-150	79-10-098	248-18-223	NEW 79-06-068	248-54-310	REP-P 79-03-089
248-14-160	79-10-097	248-18-270	AMD-P 79-01-094	248-54-310	REP 79-05-019
248-14-160	79-10-098	248-18-270	AMD-P 79-03-027	248-54-320	REP-P 79-03-089
248-14-170	79-10-097	248-18-270	AMD 79-04-081	248-54-320	REP 79-05-019
248-14-170	79-10-098	248-18-280	AMD-P 79-01-094	248-54-330	REP-P 79-03-089
248-14-180	79-10-097	248-18-280	AMD-P 79-03-027	248-54-330	REP 79-05-019
248-14-180	79-10-098	248-18-280	AMD 79-04-081	248-54-340	REP-P 79-03-089
248-14-190	79-10-097	248-18-280	AMD-P 79-10-093	248-54-340	REP 79-05-019
248-14-190	79-10-098	248-18-315	NEW-P 79-01-094	248-54-350	REP-P 79-03-089
248-14-200	79-10-097	248-18-315	NEW-P 79-03-027	248-54-350	REP 79-05-019
248-14-200	79-10-098	248-18-315	NEW 79-04-081	248-54-360	REP-P 79-03-089
248-14-210	79-10-097	248-19-010	REP-P 79-10-161	248-54-360	REP 79-05-019
248-14-210	79-10-098	248-19-020	REP-P 79-10-161	248-54-370	REP-P 79-03-089
248-14-220	79-10-097	248-19-025	REP-P 79-10-161	248-54-370	REP 79-05-019
248-14-220	79-10-098	248-19-030	REP-P 79-10-161	248-54-380	REP-P 79-03-089
248-14-230	AMD 79-02-036	248-19-031	REP-P 79-10-161	248-54-380	REP 79-05-019
248-14-230	79-10-097	248-19-033	REP-P 79-10-161	248-54-385	REP-P 79-03-089
248-14-230	79-10-098	248-19-035	REP-P 79-10-161	248-54-385	REP 79-05-019
248-14-235	NEW 79-02-036	248-19-040	REP-P 79-10-161	248-54-390	REP-P 79-03-089
248-14-235	79-10-097	248-19-041	REP-P 79-10-161	248-54-390	REP 79-05-019
248-14-235	79-10-098	248-19-042	REP-P 79-10-161	248-54-400	REP-P 79-03-089
248-14-240	AMD 79-02-036	248-19-043	REP-P 79-10-161	248-54-400	REP 79-05-019
248-14-240	79-10-097	248-19-047	REP-P 79-10-161	248-54-410	REP-P 79-03-089
248-14-240	79-10-098	248-19-048	REP-P 79-10-161	248-54-410	REP 79-05-019
248-14-245	NEW 79-02-036	248-19-050	REP-P 79-10-161	248-54-420	REP-P 79-03-089
248-14-245	79-10-097	248-19-060	REP-P 79-10-161	248-54-420	REP 79-05-019
248-14-245	79-10-098	248-19-070	REP-P 79-10-161	248-54-430	REP-P 79-03-089
248-14-250	AMD 79-02-036	248-19-075	REP-P 79-10-161	248-54-430	REP 79-05-019
248-14-250	79-10-097	248-19-080	REP-P 79-10-161	248-54-440	REP-P 79-03-089
248-14-250	79-10-098	248-19-090	REP-P 79-10-161	248-54-440	REP 79-05-019
248-14-260	AMD 79-02-036	248-19-100	REP-P 79-10-161	248-54-450	REP-P 79-03-089
248-14-260	AMD-P 79-05-095	248-19-200	NEW-P 79-10-161	248-54-450	REP 79-05-019
248-14-260	79-10-097	248-19-210	NEW-P 79-10-161	248-54-460	REP-P 79-03-089
248-14-260	79-10-098	248-19-220	NEW-P 79-10-161	248-54-460	REP 79-05-019
248-14-270	AMD 79-02-036	248-19-230	NEW-P 79-10-161	248-54-470	REP-P 79-03-089
248-14-270	79-10-097	248-19-240	NEW-P 79-10-161	248-54-470	REP 79-05-019
248-14-270	79-10-098	248-19-250	NEW-P 79-10-161	248-54-480	REP-P 79-03-089
248-14-285	79-10-097	248-19-260	NEW-P 79-10-161	248-54-480	REP 79-05-019
248-14-285	79-10-098	248-19-270	NEW-P 79-10-161	248-54-490	REP-P 79-03-089
248-14-290	79-10-097	248-19-280	NEW-P 79-10-161	248-54-490	REP 79-05-019
248-14-290	79-10-098	248-19-290	NEW-P 79-10-161	248-54-500	REP-P 79-03-089
248-14-295	79-10-097	248-19-300	NEW-P 79-10-161	248-54-500	REP 79-05-019
248-14-295	79-10-098	248-19-310	NEW-P 79-10-161	248-54-510	REP-P 79-03-089
248-14-296	79-10-097	248-19-320	NEW-P 79-10-161	248-54-510	REP 79-05-019
248-14-296	79-10-098	248-19-330	NEW-P 79-10-161	248-57	NEW-P 79-03-037
248-14-300	79-10-097	248-19-340	NEW-P 79-10-161	248-57-010	NEW-P 79-01-083
248-14-300	79-10-098	248-19-350	NEW-P 79-10-161	248-57-010	NEW 79-04-007
248-14-401	NEW 79-02-036	248-19-360	NEW-P 79-10-161	248-57-100	NEW-P 79-01-083
248-14-401	79-10-097	248-19-370	NEW-P 79-10-161	248-57-100	NEW 79-04-007
248-14-401	79-10-098	248-19-380	NEW-P 79-10-161	248-57-200	NEW-P 79-01-083
248-18-060	AMD-P 79-01-094	248-19-390	NEW-P 79-10-161	248-57-200	NEW 79-04-007
248-18-060	AMD 79-04-004	248-19-400	NEW-P 79-10-161	248-57-300	NEW-P 79-01-083
248-18-090	AMD-P 79-01-094	248-19-410	NEW-P 79-10-161	248-57-300	NEW 79-04-007
248-18-090	AMD 79-04-004	248-19-420	NEW-P 79-10-161	248-57-400	NEW-P 79-01-083
248-18-110	AMD-P 79-01-094	248-19-430	NEW-P 79-10-161	248-57-400	NEW 79-04-007
248-18-110	AMD-P 79-03-027	248-19-440	NEW-P 79-10-161	248-57-500	NEW-P 79-01-083
248-18-110	AMD 79-04-081	248-19-450	NEW-P 79-10-161	248-57-500	NEW 79-04-007
248-18-135	AMD-P 79-01-094	248-19-460	NEW-P 79-10-161	248-57-600	NEW-P 79-01-083
248-18-135	AMD 79-04-004	248-19-470	NEW-P 79-10-161	248-57-600	NEW 79-04-007
248-18-140	AMD-P 79-01-094	248-19-480	NEW-P 79-10-161	248-57-700	NEW-P 79-01-083
248-18-150	AMD-P 79-01-094	248-19-490	NEW-P 79-10-161	248-57-700	NEW 79-04-007
248-18-150	AMD 79-04-004	248-19-500	NEW-P 79-10-161	248-57-800	NEW-P 79-01-083
248-18-155	NEW-P 79-01-094	248-54-250	REP-P 79-03-089	248-57-800	NEW 79-04-007
248-18-155	NEW 79-04-004	248-54-250	REP 79-05-019	248-57-900	NEW-P 79-01-083
248-18-160	AMD-P 79-01-094	248-54-260	REP-P 79-03-089	248-57-900	NEW 79-04-007
248-18-160	AMD-P 79-03-027	248-54-260	REP 79-05-019	248-57-990	NEW-P 79-01-083
248-18-160	AMD 79-04-081	248-54-270	REP-P 79-03-089	248-57-990	NEW 79-04-007
248-18-170	AMD-P 79-01-094	248-54-270	REP 79-05-019	248-64-260	AMD-P 79-06-105

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248-64-260	AMD	79-08-078	248-101-110	REP	79-08-013	250-20-011	AMD-P	79-03-088
248-64-270	AMD-P	79-06-105	248-101-120	REP-E	79-05-010	250-20-011	AMD	79-07-021
248-64-270	AMD	79-08-078	248-101-120	REP-P	79-05-088	250-20-011	AMD-P	79-08-132
248-64-290	AMD-P	79-06-105	248-101-120	REP	79-08-013	250-20-015	NEW-P	79-08-132
248-64-290	AMD	79-08-078	248-101-130	REP-E	79-05-010	250-20-021	AMD-P	79-03-088
248-64-990	REP-P	79-06-105	248-101-130	REP-P	79-05-088	250-20-021	AMD	79-07-021
248-64-990	REP	79-08-078	248-101-130	REP	79-08-013	250-20-021	AMD-P	79-08-132
248-76	REP-P	79-02-031	248-101-140	REP-E	79-05-010	250-20-041	AMD-P	79-03-088
248-86-030	REP-P	79-07-106	248-101-140	REP-P	79-05-088	250-20-041	AMD	79-07-021
248-86-030	REP	79-10-025	248-101-140	REP	79-08-013	250-20-041	AMD-P	79-08-132
248-100-075	AMD-P	79-05-088	248-101-150	REP-E	79-05-010	250-20-051	AMD-P	79-03-088
248-100-075	AMD	79-08-013	248-101-150	REP-P	79-05-088	250-20-051	AMD	79-07-021
248-100-105	AMD-E	79-05-010	248-101-150	REP	79-08-013	250-20-051	AMD-P	79-08-132
248-100-105	AMD-P	79-05-088	248-101-160	REP-E	79-05-010	250-20-061	AMD	79-02-066
248-100-105	AMD	79-08-013	248-101-160	REP-P	79-05-088	250-20-061	AMD-P	79-03-088
248-100-162	REP-P	79-05-111	248-101-160	REP	79-08-013	250-20-061	AMD	79-07-021
248-100-162	REP	79-08-002	248-101-170	REP-E	79-05-010	250-20-061	AMD-P	79-08-132
248-100-163	NEW-P	79-05-111	248-101-170	REP-P	79-05-088	250-20-081	NEW-P	79-08-132
248-100-163	NEW	79-08-002	248-101-170	REP	79-08-013	250-28-020	AMD-P	79-05-124
248-100-164	NEW-P	79-07-105	248-101-180	REP-E	79-05-010	250-28-020	AMD-P	79-10-057
248-100-164	NEW	79-10-031	248-101-180	REP-P	79-05-088	250-28-070	AMD-P	79-05-124
248-100-165	REP-P	79-05-088	248-101-180	REP	79-08-013	250-28-070	AMD-P	79-10-057
248-100-165	REP	79-08-013	248-101-180	REP-E	79-05-010	250-40-030	AMD-P	79-03-087
248-100-175	AMD-P	79-07-106	248-101-190	REP-P	79-05-088	250-40-030	AMD	79-07-020
248-100-175	AMD	79-10-025	248-101-190	REP	79-08-013	250-40-050	AMD-P	79-03-087
248-100-190	REP-P	79-07-106	248-101-200	REP-E	79-05-010	250-40-050	AMD	79-07-020
248-100-190	REP	79-10-025	248-101-200	REP-P	79-05-088	250-40-070	AMD	79-02-088
248-100-195	AMD-P	79-07-106	248-101-200	REP	79-08-013	250-40-070	AMD-P	79-08-131
248-100-195	AMD	79-10-025	248-101-210	REP-P	79-05-010	250-40-070	AMD-E	79-08-133
248-100-205	AMD-P	79-07-106	248-101-210	REP-P	79-05-088	250-40-070	AMD-E	79-09-125
248-100-205	AMD	79-10-025	248-101-210	REP	79-08-013	250-44-010	NEW-P	79-07-121
248-100-335	AMD-P	79-05-088	248-101-220	NEW-P	79-05-088	250-44-010	NEW	79-09-042
248-100-335	AMD	79-08-013	248-101-220	NEW	79-08-013	250-44-020	NEW-P	79-07-121
248-100-395	AMD-E	79-05-010	248-102-030	REP	79-02-014	250-44-020	NEW	79-09-042
248-100-395	AMD-P	79-05-088	248-102-040	AMD	79-02-014	250-44-030	NEW-P	79-07-121
248-100-395	AMD	79-08-013	248-102-050	REP	79-02-014	250-44-030	NEW	79-09-042
248-100-410	AMD-P	79-05-088	248-102-060	REP	79-02-014	250-44-040	NEW-P	79-07-121
248-100-410	AMD	79-08-013	248-150-010	NEW-P	79-09-081	250-44-040	NEW	79-09-042
248-100-435	AMD-P	79-05-088	248-150-020	NEW-P	79-09-081	250-44-050	NEW-P	79-07-121
248-100-435	AMD	79-08-013	248-150-030	NEW-P	79-09-081	250-44-050	NEW	79-09-042
248-101-010	AMD-E	79-05-010	248-150-040	NEW-P	79-09-081	250-44-060	NEW-P	79-07-121
248-101-010	AMD-P	79-05-088	248-150-050	NEW-P	79-09-081	250-44-060	NEW	79-09-042
248-101-010	AMD	79-08-013	248-150-060	NEW-P	79-09-081	250-44-070	NEW-P	79-07-121
248-101-020	AMD-E	79-05-010	248-150-070	NEW-P	79-09-081	250-44-070	NEW	79-09-042
248-101-020	AMD-P	79-05-088	248-150-080	NEW-P	79-09-081	250-44-080	NEW-P	79-07-121
248-101-020	AMD	79-08-013	248-150-090	NEW-P	79-09-081	250-44-080	NEW	79-09-042
248-101-029999	REP-P	79-05-088	248-152-035	NEW-P	79-10-092	250-44-090	NEW-P	79-07-121
248-101-029999	REP	79-08-013	250-10-010	AMD-P	79-07-122	250-44-090	NEW	79-09-042
248-101-030	REP-E	79-05-010	250-10-010	AMD	79-10-056	250-44-100	NEW-P	79-07-121
248-101-030	REP-P	79-05-088	250-10-020	AMD-P	79-07-122	250-44-100	NEW	79-09-042
248-101-030	REP	79-08-013	250-10-020	AMD	79-10-056	250-44-110	NEW-P	79-07-121
248-101-040	REP-E	79-05-010	250-10-022	NEW-P	79-07-122	250-44-110	NEW	79-09-042
248-101-040	REP-P	79-05-088	250-10-022	NEW	79-10-056	250-44-120	NEW-P	79-07-121
248-101-040	REP	79-08-013	250-10-025	REP-P	79-07-122	250-44-120	NEW	79-09-042
248-101-050	REP-E	79-05-010	250-10-025	REP	79-10-056	250-44-130	NEW-P	79-07-121
248-101-050	REP-P	79-05-088	250-10-026	NEW-P	79-07-122	250-44-130	NEW	79-09-042
248-101-050	REP	79-08-013	250-10-026	NEW	79-10-056	250-44-140	NEW-P	79-07-121
248-101-060	REP-E	79-05-010	250-10-028	NEW-P	79-07-122	250-44-140	NEW	79-09-042
248-101-060	REP-P	79-05-088	250-10-028	NEW	79-10-056	250-44-150	NEW-P	79-07-121
248-101-060	REP	79-08-013	250-10-040	AMD-P	79-07-122	250-44-150	NEW	79-09-042
248-101-070	REP-E	79-05-010	250-10-040	AMD	79-10-056	250-44-160	NEW-P	79-07-121
248-101-070	REP-P	79-05-088	250-10-060	AMD-P	79-07-122	250-44-160	NEW	79-09-042
248-101-070	REP	79-08-013	250-10-060	AMD	79-10-056	250-44-170	NEW-P	79-07-121
248-101-080	REP-E	79-05-010	250-10-070	AMD-P	79-07-122	250-44-170	NEW	79-09-042
248-101-080	REP-P	79-05-088	250-10-070	AMD	79-10-056	250-44-180	NEW-P	79-07-121
248-101-080	REP	79-08-013	250-10-080	AMD-P	79-07-122	250-44-180	NEW	79-09-042
248-101-090	REP-E	79-05-010	250-10-080	AMD	79-10-056	250-44-190	NEW-P	79-07-121
248-101-090	REP-P	79-05-088	250-10-090	AMD-P	79-07-122	250-44-190	NEW	79-09-042
248-101-090	REP	79-08-013	250-10-090	AMD	79-10-056	250-44-200	NEW-P	79-07-121
248-101-100	REP-E	79-05-010	250-10-120	AMD-P	79-07-122	250-44-200	NEW	79-09-042
248-101-100	REP-P	79-05-088	250-10-120	AMD	79-10-056	250-44-210	NEW-P	79-07-121
248-101-100	REP	79-08-013	250-10-150	AMD-P	79-07-122	250-44-210	NEW	79-09-042
248-101-110	REP-E	79-05-010	250-10-150	AMD	79-10-056	250-44-220	NEW-P	79-07-121
248-101-110	REP-P	79-05-088	250-20-001	NEW-P	79-08-132	250-50-010	NEW	79-03-086

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250-50-030	NEW	79-03-086	251-14-090	AMD-P	79-10-054	284-12-028	NEW-P	79-09-112
250-50-040	NEW	79-03-086	251-18-020	AMD-P	79-01-092	284-19-070	AMD-P	79-06-062
250-50-050	NEW	79-03-086	251-18-020	AMD	79-03-029	284-19-070	AMD	79-08-019
250-55-010	NEW-P	79-10-164	251-18-115	AMD-P	79-10-160	284-19-140	AMD-P	79-06-062
250-55-020	NEW-P	79-10-164	251-18-200	AMD-P	79-01-092	284-19-140	AMD	79-08-019
250-55-030	NEW-P	79-10-164	251-18-200	AMD	79-03-029	284-23-200	NEW-P	79-05-084
250-55-040	NEW-P	79-10-164	251-18-380	AMD-P	79-01-092	284-23-200	NEW	79-07-053
250-55-050	NEW-P	79-10-164	251-18-380	AMD	79-03-029	284-23-210	NEW-P	79-05-084
250-55-060	NEW-P	79-10-164	251-18-410	AMD-E	79-04-053	284-23-210	NEW	79-07-053
250-55-070	NEW-P	79-10-164	251-18-410	AMD-P	79-04-087	284-23-220	NEW-P	79-05-084
250-55-080	NEW-P	79-10-164	251-18-410	AMD-P	79-06-075	284-23-220	NEW	79-07-053
250-55-090	NEW-P	79-10-164	251-18-410	AMD-E	79-07-095	284-23-230	NEW-P	79-05-084
250-55-100	NEW-P	79-10-164	251-18-410	AMD	79-07-096	284-23-230	NEW	79-07-053
250-55-110	NEW-P	79-10-164	251-18-420	AMD-P	79-01-092	284-23-240	NEW-P	79-05-084
250-55-120	NEW-P	79-10-164	251-18-420	AMD	79-03-029	284-23-240	NEW	79-07-053
250-55-130	NEW-P	79-10-164	251-22-060	AMD-P	79-01-092	284-23-250	NEW-P	79-05-084
250-55-140	NEW-P	79-10-164	251-22-060	AMD	79-03-029	284-23-250	NEW	79-07-053
250-55-150	NEW-P	79-10-164	251-22-124	NEW-P	79-08-118	284-23-260	NEW-P	79-05-084
250-55-160	NEW-P	79-10-164	251-22-124	NEW-E	79-08-121	284-23-260	NEW	79-07-053
250-55-170	NEW-P	79-10-164	251-22-124	NEW	79-10-055	284-23-270	NEW-P	79-05-084
250-55-180	NEW-P	79-10-164	251-22-125	AMD-P	79-08-118	284-23-270	NEW	79-07-053
250-55-190	NEW-P	79-10-164	251-22-125	AMD-E	79-08-121	284-23-300	NEW-P	79-05-083
250-55-200	NEW-P	79-10-164	251-22-125	AMD	79-10-055	284-23-300	NEW	79-07-052
250-55-210	NEW-P	79-10-164	260-24-470	AMD-P	79-03-008	284-23-310	NEW-P	79-05-083
250-55-220	NEW-P	79-10-164	260-24-470	AMD	79-06-002	284-23-310	NEW	79-07-052
251-04-020	AMD-P	79-08-119	260-84-030	AMD-P	79-03-008	284-23-320	NEW-P	79-05-083
251-04-020	AMD-P	79-10-054	260-84-030	AMD	79-06-002	284-23-320	NEW	79-07-052
251-06-050	AMD-P	79-04-087	260-84-040	REP-P	79-03-008	284-23-330	NEW-P	79-05-083
251-06-050	AMD	79-06-076	260-84-040	REP	79-06-002	284-23-330	NEW	79-07-052
251-06-060	AMD-P	79-04-087	260-84-080	REP-P	79-03-008	284-23-340	NEW-P	79-05-083
251-06-060	AMD	79-06-076	260-84-080	REP	79-06-002	284-23-340	NEW	79-07-052
251-06-070	AMD-P	79-10-160	261-20	AMD-P	79-04-067	284-23-350	NEW-P	79-05-083
251-08-160	NEW-P	79-01-093	261-20	AMD	79-07-030	284-23-350	NEW	79-07-052
251-08-160	NEW	79-03-030	261-30-040	AMD-P	79-04-067	284-23-360	NEW-P	79-05-083
251-09-020	AMD-P	79-04-087	261-40-020	AMD-E	79-02-049	284-23-360	NEW	79-07-052
251-09-020	AMD-P	79-06-075	261-40-020	AMD-P	79-04-067	284-23-370	NEW-P	79-05-083
251-09-020	AMD-P	79-10-160	261-40-020	AMD	79-07-030	284-23-370	NEW	79-07-052
251-09-030	AMD-P	79-04-087	261-40-140	AMD-P	79-04-067	284-23-380	NEW-P	79-05-083
251-09-030	AMD	79-06-076	261-40-140	AMD	79-07-030	284-23-380	NEW	79-07-052
251-09-090	AMD-P	79-10-160	261-40-145	AMD-P	79-04-067	286-04-010	AMD-P	79-07-031
251-10-030	AMD-P	79-01-092	261-40-145	AMD	79-07-030	286-04-010	AMD	79-09-124
251-10-030	AMD	79-03-029	261-40-150	AMD-P	79-04-067	286-04-020	AMD-P	79-07-031
251-10-030	AMD-E	79-04-053	261-40-150	AMD	79-07-030	286-04-020	AMD	79-09-124
251-10-030	AMD-P	79-04-087	261-40-160	AMD-P	79-04-067	286-04-030	AMD-P	79-07-031
251-10-030	AMD-P	79-06-075	261-40-160	AMD	79-07-030	286-04-030	AMD	79-09-124
251-10-030	AMD-E	79-07-095	261-40-165	NEW-P	79-04-067	286-04-060	AMD-P	79-07-031
251-10-030	AMD	79-07-096	261-40-165	NEW	79-07-030	286-04-060	AMD	79-09-124
251-10-034	NEW-P	79-06-087	261-40-240	NEW-P	79-04-067	286-04-070	NEW-P	79-07-031
251-10-034	NEW-E	79-07-097	261-40-240	NEW	79-07-030	286-04-070	NEW	79-09-124
251-10-034	NEW	79-08-120	275-16-030	AMD	79-03-019	286-04-080	NEW-P	79-07-031
251-10-035	AMD-E	79-04-053	275-20-030	AMD-E	79-06-083	286-04-080	NEW	79-09-124
251-10-035	AMD-P	79-04-087	275-20-030	AMD-P	79-06-097	286-16-030	AMD-P	79-07-031
251-10-035	AMD-P	79-06-075	275-20-030	AMD	79-08-044	286-16-030	AMD	79-09-124
251-10-035	AMD-E	79-07-095	275-20-080	NEW-E	79-06-083	286-16-035	NEW-P	79-07-031
251-10-035	AMD	79-07-096	275-20-080	NEW-P	79-06-097	286-16-035	NEW	79-09-124
251-12-600	AMD-P	79-01-092	275-20-080	NEW	79-08-044	286-16-040	AMD-P	79-07-031
251-12-600	AMD	79-03-029	275-32-060	AMD-P	79-04-030	286-16-040	AMD	79-09-124
251-14-005	AMD-P	79-08-119	275-32-060	AMD	79-06-033	286-16-050	AMD-P	79-07-031
251-14-005	AMD-P	79-10-054	275-32-125	REP-P	79-04-030	286-16-050	AMD	79-09-124
251-14-030	AMD-P	79-08-119	275-32-125	REP	79-06-033	286-16-060	AMD-P	79-07-031
251-14-030	AMD-P	79-10-054	275-59-020	AMD	79-03-038	286-16-060	AMD	79-09-124
251-14-042	AMD-P	79-08-119	275-59-030	AMD	79-03-038	286-16-080	AMD-P	79-07-031
251-14-042	AMD-P	79-10-054	275-59-040	REP	79-03-038	286-16-080	AMD	79-09-124
251-14-050	AMD-P	79-08-119	275-59-041	NEW	79-03-038	286-20-010	AMD-P	79-07-031
251-14-050	AMD-P	79-10-054	275-59-050	AMD	79-03-038	286-20-010	AMD	79-09-124
251-14-057	AMD-P	79-08-119	275-59-060	AMD	79-03-038	286-20-020	AMD-P	79-07-031
251-14-057	AMD-P	79-10-054	275-59-070	REP	79-03-038	286-20-020	AMD	79-09-124
251-14-060	AMD-P	79-08-119	275-59-080	AMD	79-03-038	286-20-040	NEW-P	79-07-031
251-14-060	AMD-P	79-10-054	275-76-120	AMD-P	79-05-110	286-20-040	NEW	79-09-124
251-14-070	AMD-P	79-08-119	275-76-120	AMD	79-07-034	286-20-060	NEW-P	79-07-031
251-14-070	AMD-P	79-10-054	284-03-090	AMD-P	79-06-065	286-20-060	NEW	79-09-124
251-14-080	AMD-P	79-08-119	284-03-090	AMD	79-08-024	286-24-015	NEW-P	79-07-031
251-14-080	AMD-P	79-10-054	284-12-026	REP-P	79-09-112	286-24-015	NEW	79-09-124

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286-24-020	AMD	79-09-124	289-30-050	NEW-P	79-08-134	296-20-145	AMD-P	79-10-175
286-24-040	AMD-P	79-07-031	296-04-040	AMD	79-03-023	296-20-150	AMD-P	79-10-175
286-24-040	AMD	79-09-124	296-04-050	AMD-P	79-06-096	296-20-155	AMD-P	79-10-175
286-24-050	NEW-P	79-07-031	296-04-290	REP-P	79-06-096	296-20-220	AMD-P	79-10-175
286-24-050	NEW	79-09-124	296-04-290	REP	79-09-003	296-24-023	NEW-E	79-05-047
286-24-060	NEW-P	79-07-031	296-04-295	NEW-P	79-06-096	296-24-023	NEW-E	79-08-099
286-24-060	NEW	79-09-124	296-04-295	NEW	79-09-003	296-24-08113	AMD-P	79-10-086
286-24-070	NEW-P	79-07-031	296-15-250	NEW-E	79-05-001	296-24-12005	AMD-P	79-10-086
286-24-070	NEW	79-09-124	296-17-330	AMD-P	79-10-175	296-24-12007	AMD-P	79-10-086
286-26	AMD-P	79-07-031	296-17-501	AMD-P	79-10-175	296-24-12009	AMD-P	79-10-086
286-26	AMD	79-09-124	296-17-50601	NEW-P	79-10-175	296-24-130	AMD-P	79-10-086
286-26-060	AMD-P	79-07-031	296-17-50602	NEW-P	79-10-175	296-24-13001	REP-P	79-10-086
286-26-060	AMD	79-09-124	296-17-510	AMD-P	79-10-175	296-24-13003	REP-P	79-10-086
289-02-010	NEW	79-07-067	296-17-567	AMD-P	79-10-175	296-24-13005	REP-P	79-10-086
289-02-020	NEW	79-07-067	296-17-580	AMD-P	79-10-175	296-24-13007	REP-P	79-10-086
289-02-020	AMD-P	79-09-127	296-17-583	AMD-P	79-10-175	296-24-13009	REP-P	79-10-086
289-02-030	NEW	79-07-067	296-17-58501	NEW-P	79-10-175	296-24-13011	REP-P	79-10-086
289-04-010	NEW	79-07-066	296-17-588	REP-P	79-10-175	296-24-13013	REP-P	79-10-086
289-04-020	NEW	79-07-066	296-17-594	AMD-P	79-10-175	296-24-13501	AMD-P	79-10-086
289-04-030	NEW	79-07-066	296-17-602	REP-P	79-10-175	296-24-13503	REP-P	79-10-086
289-04-040	NEW	79-07-066	296-17-614	AMD-P	79-10-175	296-24-14007	AMD-P	79-10-086
289-06-010	NEW	79-07-066	296-17-61801	NEW-P	79-10-175	296-24-16503	AMD-P	79-10-086
289-06-020	NEW	79-07-066	296-17-620	AMD-P	79-10-175	296-24-16539	AMD-P	79-10-086
289-06-030	NEW	79-07-066	296-17-651	AMD-P	79-10-175	296-24-170	AMD-P	79-10-086
289-06-040	NEW	79-07-066	296-17-67901	NEW-P	79-10-175	296-24-17001	REP-P	79-10-086
289-06-050	NEW	79-07-066	296-17-698	AMD-P	79-10-175	296-24-17003	REP-P	79-10-086
289-06-060	NEW	79-07-066	296-17-738	AMD-E	79-07-093	296-24-17005	REP-P	79-10-086
289-06-070	NEW	79-07-066	296-17-738	AMD-E	79-10-112	296-24-17007	REP-P	79-10-086
289-06-080	NEW	79-07-066	296-17-738	AMD-P	79-10-175	296-24-17009	REP-P	79-10-086
289-06-090	NEW	79-07-066	296-17-753	AMD-P	79-10-175	296-24-17011	REP-P	79-10-086
289-06-100	NEW	79-07-066	296-17-755	NEW-E	79-07-093	296-24-17013	REP-P	79-10-086
289-06-110	NEW	79-07-066	296-17-755	NEW-E	79-10-112	296-24-17015	REP-P	79-10-086
289-12-010	NEW	79-07-067	296-17-755	NEW-P	79-10-175	296-24-17017	REP-P	79-10-086
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289-12-040	NEW	79-07-067	296-17-758	NEW-P	79-10-175	296-24-17023	REP-P	79-10-086
289-13-010	NEW-P	79-08-134	296-17-759	NEW-P	79-10-175	296-24-17025	REP-P	79-10-086
289-13-020	NEW-P	79-08-134	296-17-760	NEW-P	79-10-175	296-24-17027	REP-P	79-10-086
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289-13-050	NEW-P	79-08-134	296-17-763	NEW-P	79-10-175	296-24-17033	REP-P	79-10-086
289-13-060	NEW-P	79-08-134	296-17-764	NEW-P	79-10-175	296-24-17035	REP-P	79-10-086
289-13-070	NEW-P	79-08-134	296-17-850	AMD-E	79-07-093	296-24-17037	REP-P	79-10-086
289-13-080	NEW-P	79-08-134	296-17-850	AMD-E	79-10-112	296-24-17039	REP-P	79-10-086
289-13-090	NEW-P	79-08-134	296-17-850	AMD-P	79-10-175	296-24-17041	REP-P	79-10-086
289-14-005	NEW	79-07-067	296-17-855	AMD-P	79-10-175	296-24-17043	REP-P	79-10-086
289-14-005	AMD-P	79-09-127	296-17-860	AMD-P	79-10-175	296-24-17045	REP-P	79-10-086
289-14-010	NEW	79-07-067	296-17-873	NEW-P	79-10-175	296-24-17047	REP-P	79-10-086
289-14-020	NEW	79-07-067	296-17-87301	NEW-P	79-10-175	296-24-18007	AMD-P	79-10-086
289-14-030	NEW	79-07-067	296-17-87305	NEW-P	79-10-175	296-24-19503	AMD-P	79-10-086
289-16-010	NEW	79-07-067	296-17-87306	NEW-P	79-10-175	296-24-19507	AMD-P	79-10-086
289-16-020	NEW	79-07-067	296-17-87307	NEW-P	79-10-175	296-24-19509	AMD-P	79-10-086
289-16-030	NEW	79-07-067	296-17-87308	NEW-P	79-10-175	296-24-19513	AMD-P	79-10-086
289-16-040	NEW	79-07-067	296-17-87309	NEW-P	79-10-175	296-24-20505	AMD-P	79-10-086
289-18-010	NEW	79-07-067	296-17-875	AMD-P	79-10-175	296-24-20507	AMD-P	79-10-086
289-18-020	NEW	79-07-067	296-17-880	AMD-P	79-10-175	296-24-20509	AMD-P	79-10-086
289-18-030	NEW	79-07-067	296-17-885	AMD-P	79-10-175	296-24-20511	AMD-P	79-10-086
289-18-040	NEW	79-07-067	296-17-88501	NEW-E	79-07-093	296-24-20521	AMD-P	79-10-086
289-18-050	NEW	79-07-067	296-17-88501	NEW-E	79-10-112	296-24-20523	AMD-P	79-10-086
289-20-010	NEW	79-07-067	296-17-890	NEW-P	79-10-175	296-24-20525	AMD-P	79-10-086
289-20-020	NEW	79-07-067	296-17-895	AMD-P	79-10-175	296-24-20527	AMD-P	79-10-086
289-20-030	NEW	79-07-067	296-17-89501	NEW-E	79-07-093	296-24-20529	REP-P	79-10-086
289-20-040	NEW	79-07-067	296-17-89501	NEW-E	79-10-112	296-24-20531	AMD-P	79-10-086
289-20-050	NEW	79-07-067	296-17-920	AMD-E	79-10-112	296-24-23035	AMD-P	79-10-086
289-22-010	NEW	79-07-067	296-17-920	AMD-E	79-10-175	296-24-23515	AMD-P	79-04-100
289-22-020	NEW	79-07-067	296-20-01501	NEW-P	79-10-175	296-24-23515	AMD	79-08-115
289-24-010	NEW	79-07-067	296-20-03001	AMD-P	79-10-175	296-24-24005	AMD-P	79-04-100
289-24-030	NEW	79-07-067	296-20-03002	AMD-P	79-10-175	296-24-24005	AMD	79-08-115
289-24-040	NEW	79-07-067	296-20-045	AMD-P	79-10-175	296-24-24511	AMD-P	79-10-086
289-24-050	NEW	79-07-067	296-20-12501	NEW-P	79-10-175	296-24-24519	AMD-P	79-04-100
289-30-010	NEW-P	79-08-134	296-20-12502	NEW-P	79-10-175	296-24-24519	AMD	79-08-115
289-30-020	NEW-P	79-08-134	296-20-135	AMD-P	79-10-175	296-24-29425	AMD-P	79-04-100



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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-24-29425	AMD	79-08-115	296-24-66321	NEW	79-08-115	296-54-020	REP	79-10-081
296-24-32003	AMD-P	79-10-086	296-24-66501	REP-P	79-10-086	296-54-030	REP-P	79-04-100
296-24-33005	AMD-P	79-10-086	296-24-68209	AMD-P	79-10-086	296-54-030	REP	79-10-081
296-24-33009	AMD-P	79-10-086	296-24-68211	AMD-P	79-10-086	296-54-040	REP-P	79-04-100
296-24-33011	AMD-P	79-10-086	296-24-68213	AMD-P	79-10-086	296-54-040	REP	79-10-081
296-24-33013	AMD-P	79-10-086	296-24-68215	REP-P	79-10-086	296-54-051	REP-P	79-04-100
296-24-33015	AMD-P	79-10-086	296-24-69005	AMD-P	79-10-086	296-54-051	REP	79-10-081
296-24-33017	AMD-P	79-10-086	296-24-69009	REP-P	79-10-086	296-54-052	REP-P	79-04-100
296-24-33019	AMD-P	79-10-086	296-24-70005	REP-P	79-10-086	296-54-052	REP	79-10-081
296-24-47501	AMD-P	79-10-086	296-24-73507	AMD-P	79-04-100	296-54-130	REP-P	79-04-100
296-24-47505	AMD-P	79-10-086	296-24-73507	AMD	79-08-115	296-54-130	REP	79-10-081
296-24-47507	AMD-P	79-10-086	296-24-75011	AMD-P	79-04-100	296-54-140	REP-P	79-04-100
296-24-47509	AMD-P	79-10-086	296-24-75011	AMD	79-08-115	296-54-140	REP	79-10-081
296-24-47511	AMD-P	79-10-086	296-24-75011	AMD-P	79-10-086	296-54-150	REP-P	79-04-100
296-24-47513	AMD-P	79-10-086	296-24-76523	REP-P	79-10-086	296-54-150	REP	79-10-081
296-24-51009	AMD-P	79-10-086	296-24-78005	AMD-P	79-10-086	296-54-160	REP-P	79-04-100
296-24-51013	AMD-P	79-10-086	296-24-78007	AMD-P	79-10-086	296-54-160	REP	79-10-081
296-24-59001	AMD-P	79-10-086	296-24-78009	AMD-P	79-04-100	296-54-170	REP-P	79-04-100
296-24-59005	AMD-P	79-10-086	296-24-78009	AMD	79-08-115	296-54-170	REP	79-10-081
296-24-60003	AMD-P	79-10-086	296-24-78009	AMD-P	79-10-086	296-54-180	REP-P	79-04-100
296-24-60005	AMD-P	79-10-086	296-24-79503	AMD-P	79-10-086	296-54-180	REP	79-10-081
296-24-60503	REP-P	79-10-086	296-24-79505	REP-P	79-10-086	296-54-185	REP-P	79-04-100
296-24-61505	AMD-P	79-10-086	296-24-79507	AMD-P	79-10-086	296-54-185	REP	79-10-081
296-24-662	REP-P	79-04-100	296-24-82507	AMD-P	79-04-100	296-54-190	REP-P	79-04-100
296-24-662	REP	79-08-115	296-24-82507	AMD	79-08-115	296-54-190	REP	79-10-081
296-24-66201	REP-P	79-04-100	296-24-82509	AMD-P	79-04-100	296-54-195	REP-P	79-04-100
296-24-66201	REP	79-08-115	296-24-82509	AMD	79-08-115	296-54-195	REP	79-10-081
296-24-66203	REP-P	79-04-100	296-24-82515	AMD-P	79-04-100	296-54-200	REP-P	79-04-100
296-24-66203	REP	79-08-115	296-24-82515	AMD	79-08-115	296-54-200	REP	79-10-081
296-24-66205	REP-P	79-04-100	296-24-82517	AMD-P	79-04-100	296-54-210	REP-P	79-04-100
296-24-66205	REP	79-08-115	296-24-82517	AMD	79-08-115	296-54-210	REP	79-10-081
296-24-66207	REP-P	79-04-100	296-24-82521	AMD-P	79-04-100	296-54-215	REP-P	79-04-100
296-24-66207	REP	79-08-115	296-24-82521	AMD	79-08-115	296-54-215	REP	79-10-081
296-24-66209	REP-P	79-04-100	296-24-82523	AMD-P	79-04-100	296-54-216	REP-P	79-04-100
296-24-66209	REP	79-08-115	296-24-82523	AMD	79-08-115	296-54-216	REP	79-10-081
296-24-66211	REP-P	79-04-100	296-24-82527	AMD-P	79-04-100	296-54-217	REP-P	79-04-100
296-24-66211	REP	79-08-115	296-24-82527	AMD	79-08-115	296-54-217	REP	79-10-081
296-24-66213	REP-P	79-04-100	296-24-82529	AMD-P	79-04-100	296-54-218	REP-P	79-04-100
296-24-66213	REP	79-08-115	296-24-82529	AMD	79-08-115	296-54-218	REP	79-10-081
296-24-66215	REP-P	79-04-100	296-24-82531	AMD-P	79-04-100	296-54-220	REP-P	79-04-100
296-24-66215	REP	79-08-115	296-24-82531	AMD	79-08-115	296-54-220	REP	79-10-081
296-24-66217	REP-P	79-04-100	296-24-82533	AMD-P	79-04-100	296-54-230	REP-P	79-04-100
296-24-66217	REP	79-08-115	296-24-82533	AMD	79-08-115	296-54-230	REP	79-10-081
296-24-66219	REP-P	79-04-100	296-24-84003	AMD-P	79-04-100	296-54-240	REP-P	79-04-100
296-24-66219	REP	79-08-115	296-24-84003	AMD	79-08-115	296-54-240	REP	79-10-081
296-24-66221	REP-P	79-04-100	296-24-85503	AMD-P	79-04-100	296-54-260	REP-P	79-04-100
296-24-66221	REP	79-08-115	296-24-85503	AMD	79-08-115	296-54-260	REP	79-10-081
296-24-66223	REP-P	79-04-100	296-24-87005	AMD-P	79-10-086	296-54-270	REP-P	79-04-100
296-24-66223	REP	79-08-115	296-27-030	AMD-P	79-04-100	296-54-270	REP	79-10-081
296-24-66225	REP-P	79-04-100	296-27-030	AMD	79-08-115	296-54-280	REP-P	79-04-100
296-24-66225	REP	79-08-115	296-27-040	AMD-P	79-04-100	296-54-280	REP	79-10-081
296-24-663	NEW-P	79-04-100	296-27-040	AMD	79-08-115	296-54-281	REP-P	79-04-100
296-24-663	NEW	79-08-115	296-27-050	AMD-P	79-04-100	296-54-281	REP	79-10-081
296-24-66301	NEW-P	79-04-100	296-27-050	AMD	79-08-115	296-54-282	REP-P	79-04-100
296-24-66301	NEW	79-08-115	296-27-070	AMD-P	79-04-100	296-54-282	REP	79-10-081
296-24-66303	NEW-P	79-04-100	296-27-070	AMD	79-08-115	296-54-284	REP-P	79-04-100
296-24-66303	NEW	79-08-115	296-27-080	AMD-P	79-04-100	296-54-284	REP	79-10-081
296-24-66305	NEW-P	79-04-100	296-27-080	AMD	79-08-115	296-54-286	REP-P	79-04-100
296-24-66305	NEW	79-08-115	296-27-130	AMD-P	79-04-100	296-54-286	REP	79-10-081
296-24-66307	NEW-P	79-04-100	296-27-130	AMD	79-08-115	296-54-290	REP-P	79-04-100
296-24-66307	NEW	79-08-115	296-52-030	AMD-P	79-10-086	296-54-290	REP	79-10-081
296-24-66309	NEW-P	79-04-100	296-52-043	AMD-P	79-10-086	296-54-300	REP-P	79-04-100
296-24-66309	NEW	79-08-115	296-52-050	AMD-P	79-10-086	296-54-300	REP	79-10-081
296-24-66311	NEW-P	79-04-100	296-52-165	AMD-P	79-10-086	296-54-310	REP-P	79-04-100
296-24-66311	NEW	79-08-115	296-52-167	AMD-P	79-10-086	296-54-310	REP	79-10-081
296-24-66313	NEW-P	79-04-100	296-52-190	AMD-P	79-10-086	296-54-320	REP-P	79-04-100
296-24-66313	NEW	79-08-115	296-52-390	AMD-P	79-10-086	296-54-320	REP	79-10-081
296-24-66315	NEW-P	79-04-100	296-54-001	REP-P	79-04-100	296-54-330	REP-P	79-04-100
296-24-66315	NEW	79-08-115	296-54-001	REP	79-10-081	296-54-330	REP	79-10-081
296-24-66317	NEW-P	79-04-100	296-54-003	REP-P	79-04-100	296-54-335	REP-P	79-04-100
296-24-66317	NEW	79-08-115	296-54-003	REP	79-10-081	296-54-335	REP	79-10-081
296-24-66319	NEW-P	79-04-100	296-54-010	REP-P	79-04-100	296-54-340	REP-P	79-04-100
296-24-66319	NEW	79-08-115	296-54-010	REP	79-10-081	296-54-340	REP	79-10-081
296-24-66321	NEW-P	79-04-100	296-54-020	REP-P	79-04-100	296-54-350	REP-P	79-04-100

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
296-54-350	REP	79-10-081	296-54-559	NEW-P	79-04-100	296-62-07347	AMD	79-08-115
296-54-360	REP-P	79-04-100	296-54-559	NEW	79-10-081	296-62-07349	NEW-E	79-08-022
296-54-360	REP	79-10-081	296-54-561	NEW-P	79-04-100	296-62-07515	AMD-P	79-04-100
296-54-370	REP-P	79-04-100	296-54-561	NEW	79-10-081	296-62-07515	AMD	79-08-115
296-54-370	REP	79-10-081	296-54-563	NEW-P	79-04-100	296-62-14531	NEW	79-02-037
296-54-380	REP-P	79-04-100	296-54-563	NEW	79-10-081	296-78-030	AMD-P	79-10-086
296-54-380	REP	79-10-081	296-54-565	NEW-P	79-04-100	296-79-300	AMD-P	79-10-086
296-54-392	REP-P	79-04-100	296-54-565	NEW	79-10-081	296-104-200	AMD-P	79-02-007
296-54-392	REP	79-10-081	296-54-567	NEW-P	79-04-100	296-104-200	AMD	79-05-054
296-54-393	REP-P	79-04-100	296-54-567	NEW	79-10-081	296-116-070	AMD-P	79-08-086
296-54-393	REP	79-10-081	296-54-569	NEW-P	79-04-100	296-116-070	AMD-P	79-10-078
296-54-39301	REP-P	79-04-100	296-54-569	NEW	79-10-081	296-116-080	AMD-P	79-03-072
296-54-39301	REP	79-10-081	296-54-571	NEW-P	79-04-100	296-116-080	AMD	79-05-023
296-54-400	REP-P	79-04-100	296-54-571	NEW	79-10-081	296-116-080	AMD-P	79-08-086
296-54-400	REP	79-10-081	296-54-573	NEW-P	79-04-100	296-116-080	AMD-P	79-10-078
296-54-45001	AMD-P	79-10-086	296-54-573	NEW	79-10-081	296-116-081	AMD-P	79-03-072
296-54-501	NEW-P	79-04-100	296-54-575	NEW-P	79-04-100	296-116-081	AMD	79-05-023
296-54-501	NEW	79-10-081	296-54-575	NEW	79-10-081	296-116-120	AMD-P	79-08-086
296-54-503	NEW-P	79-04-100	296-54-577	NEW-P	79-04-100	296-116-120	AMD-P	79-10-078
296-54-503	NEW	79-10-081	296-54-577	NEW	79-10-081	296-116-200	AMD-P	79-03-072
296-54-505	NEW-P	79-04-100	296-54-579	NEW-P	79-04-100	296-116-205	AMD-P	79-08-086
296-54-505	NEW	79-10-081	296-54-579	NEW	79-10-081	296-116-205	AMD-P	79-10-078
296-54-507	NEW-P	79-04-100	296-54-581	NEW-P	79-04-100	296-116-2051	AMD-P	79-08-086
296-54-507	NEW	79-10-081	296-54-581	NEW	79-10-081	296-116-2051	AMD-P	79-10-078
296-54-509	NEW-P	79-04-100	296-54-583	NEW-P	79-04-100	296-116-300	AMD-P	79-05-036
296-54-509	NEW	79-10-081	296-54-583	NEW	79-10-081	296-116-300	AMD-E	79-06-059
296-54-511	NEW-P	79-04-100	296-54-585	NEW-P	79-04-100	296-116-300	AMD	79-07-033
296-54-511	NEW	79-10-081	296-54-585	NEW	79-10-081	296-116-351	AMD	79-02-030
296-54-513	NEW-P	79-04-100	296-54-587	NEW-P	79-04-100	296-116-351	AMD-P	79-03-072
296-54-513	NEW	79-10-081	296-54-587	NEW	79-10-081	296-116-351	AMD	79-05-023
296-54-515	NEW-P	79-04-100	296-54-589	NEW-P	79-04-100	296-155-330	AMD-P	79-04-100
296-54-515	NEW	79-10-081	296-54-589	NEW	79-10-081	296-155-330	AMD	79-08-115
296-54-517	NEW-P	79-04-100	296-54-591	NEW-P	79-04-100	296-155-480	AMD-P	79-04-100
296-54-517	NEW	79-10-081	296-54-591	NEW	79-10-081	296-155-480	AMD	79-08-115
296-54-519	NEW-P	79-04-100	296-54-593	NEW-P	79-04-100	296-155-485	AMD-P	79-04-100
296-54-519	NEW	79-10-081	296-54-593	NEW	79-10-081	296-155-485	AMD	79-08-115
296-54-521	NEW-P	79-04-100	296-54-595	NEW-P	79-04-100	296-302-015	REP-P	79-10-086
296-54-521	NEW	79-10-081	296-54-595	NEW	79-10-081	296-302-020	AMD-P	79-10-086
296-54-523	NEW-P	79-04-100	296-54-597	NEW-P	79-04-100	296-302-02501	AMD-P	79-10-086
296-54-523	NEW	79-10-081	296-54-597	NEW	79-10-081	296-302-02503	AMD-P	79-10-086
296-54-525	NEW-P	79-04-100	296-54-599	NEW-P	79-04-100	296-302-02505	AMD-P	79-10-086
296-54-525	NEW	79-10-081	296-54-599	NEW	79-10-081	296-302-02507	REP-P	79-10-086
296-54-527	NEW-P	79-04-100	296-54-601	NEW-P	79-04-100	296-302-02509	REP-P	79-10-086
296-54-527	NEW	79-10-081	296-54-601	NEW	79-10-081	296-302-02511	AMD-P	79-10-086
296-54-529	NEW-P	79-04-100	296-54-603	NEW-P	79-04-100	296-302-02513	AMD-P	79-10-086
296-54-529	NEW	79-10-081	296-54-603	NEW	79-10-081	296-302-02515	AMD-P	79-10-086
296-54-531	NEW-P	79-04-100	296-54-605	NEW-P	79-04-100	296-302-02517	AMD-P	79-10-086
296-54-531	NEW	79-10-081	296-54-605	NEW	79-10-081	296-302-02519	REP-P	79-10-086
296-54-533	NEW-P	79-04-100	296-54-607	NEW-P	79-04-100	296-302-03001	AMD-P	79-10-086
296-54-533	NEW	79-10-081	296-54-607	NEW	79-10-081	296-302-03003	AMD-P	79-10-086
296-54-535	NEW-P	79-04-100	296-62-060	AMD-E	79-05-047	296-302-035	AMD-P	79-10-086
296-54-535	NEW	79-10-081	296-62-060	AMD-E	79-08-099	296-302-040	AMD-P	79-10-086
296-54-537	NEW-P	79-04-100	296-62-07301	AMD-P	79-10-086	296-302-050	AMD-P	79-10-086
296-54-537	NEW	79-10-081	296-62-07303	AMD-P	79-10-086	296-302-05501	AMD-P	79-10-086
296-54-539	NEW-P	79-04-100	296-62-07305	REP-P	79-10-086	296-302-05503	AMD-P	79-10-086
296-54-539	NEW	79-10-081	296-62-07307	AMD-P	79-10-086	296-302-060	AMD-P	79-10-086
296-54-541	NEW-P	79-04-100	296-62-07309	AMD-P	79-10-086	296-302-06501	AMD-P	79-10-086
296-54-541	NEW	79-10-081	296-62-07311	AMD-P	79-10-086	296-302-06503	AMD-P	79-10-086
296-54-543	NEW-P	79-04-100	296-62-07313	AMD-P	79-10-086	296-302-06505	REP-P	79-10-086
296-54-543	NEW	79-10-081	296-62-07315	AMD-P	79-10-086	296-302-06507	AMD-P	79-10-086
296-54-545	NEW-P	79-04-100	296-62-07317	AMD-P	79-10-086	296-302-06509	REP-P	79-10-086
296-54-545	NEW	79-10-081	296-62-07319	AMD-P	79-10-086	296-302-06511	REP-P	79-10-086
296-54-547	NEW-P	79-04-100	296-62-07321	AMD-P	79-10-086	296-302-06513	REP-P	79-10-086
296-54-547	NEW	79-10-081	296-62-07323	AMD-P	79-10-086	296-302-06515	REP-P	79-10-086
296-54-549	NEW-P	79-04-100	296-62-07325	AMD-P	79-10-086	296-302-06517	AMD-P	79-10-086
296-54-549	NEW	79-10-081	296-62-07327	AMD-P	79-10-086	296-302-06521	AMD-P	79-10-086
296-54-551	NEW-P	79-04-100	296-62-07329	AMD-P	79-10-086	296-302-06523	REP-P	79-10-086
296-54-551	NEW	79-10-081	296-62-07335	AMD-E	79-02-038	296-302-06525	REP-P	79-10-086
296-54-553	NEW-P	79-04-100	296-62-07335	AMD-P	79-04-100	296-302-06527	REP-P	79-10-086
296-54-553	NEW	79-10-081	296-62-07335	AMD-E	79-05-033	296-302-06529	AMD-P	79-10-086
296-54-555	NEW-P	79-04-100	296-62-07335	REP-E	79-06-078	296-302-06531	REP-P	79-10-086
296-54-555	NEW	79-10-081	296-62-07335	REP-E	79-10-001	296-303-01001	REP-P	79-10-086
296-54-557	NEW-P	79-04-100	296-62-07347	NEW	79-02-037	296-303-01003	REP-P	79-10-086
296-54-557	NEW	79-10-081	296-62-07347	AMD-P	79-04-100	296-303-02001	AMD-P	79-10-086

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296-303-02005	REP-P	79-10-086	308-32-300	REP	79-08-062	308-61-015	REP-P	79-08-087
296-303-02007	AMD-P	79-10-086	308-32-310	AMD-P	79-06-110	308-61-015	REP	79-10-010
296-303-02501	AMD-P	79-10-086	308-32-310	AMD	79-08-062	308-61-020	REP-E	79-08-063
296-303-02503	AMD-P	79-10-086	308-36-050	AMD-P	79-07-079	308-61-020	REP-P	79-08-087
296-303-030	REP-P	79-10-086	308-36-050	AMD	79-09-071	308-61-020	REP	79-10-010
296-303-040	REP-P	79-10-086	308-40-100	REP	79-04-011	308-61-025	AMD-E	79-08-063
296-306-010	AMD-P	79-04-100	308-40-101	NEW	79-04-011	308-61-025	AMD-P	79-08-089
296-306-010	AMD	79-08-115	308-40-102	NEW	79-04-011	308-61-025	AMD	79-10-012
296-306-025	AMD-P	79-04-100	308-40-111	NEW	79-04-011	308-61-035	REP-P	79-08-087
296-306-025	AMD	79-08-115	308-42-035	AMD-P	79-03-092	308-61-035	REP	79-10-010
296-401-060	NEW-P	79-10-130	308-42-035	AMD	79-05-035	308-61-040	AMD-E	79-08-063
296-401-070	NEW-P	79-10-130	308-42-040	AMD-P	79-03-092	308-61-040	AMD-P	79-08-089
296-401-080	NEW-P	79-10-130	308-42-040	AMD	79-05-035	308-61-040	AMD	79-10-012
296-401-090	NEW-P	79-10-130	308-42-110	NEW-P	79-03-092	308-61-050	AMD-P	79-08-089
296-401-100	NEW-P	79-10-130	308-42-110	NEW	79-05-035	308-61-050	AMD	79-10-012
296-401-110	NEW-P	79-10-130	308-51-100	AMD-P	79-10-073	308-61-100	AMD-E	79-08-063
296-401-120	NEW-P	79-10-130	308-51-110	AMD-P	79-08-033	308-61-100	AMD-P	79-08-089
296-401-130	NEW-P	79-10-130	308-51-110	AMD	79-10-042	308-61-100	AMD	79-10-012
296-401-140	NEW-P	79-10-130	308-52-130	REP-P	79-03-091	308-61-110	AMD-E	79-08-063
296-401-150	NEW-P	79-10-130	308-52-130	REP	79-06-055	308-61-110	AMD-P	79-08-089
296-401-160	NEW-P	79-10-130	308-52-135	AMD-P	79-08-084	308-61-110	AMD	79-10-012
296-401-170	NEW-P	79-10-130	308-52-135	AMD	79-10-041	308-61-120	AMD-E	79-08-063
296-401-180	NEW-P	79-10-130	308-52-145	NEW-P	79-08-084	308-61-120	AMD-P	79-08-089
296-401-190	NEW-P	79-10-130	308-52-200	REP-P	79-08-082	308-61-120	AMD	79-10-012
304-25	AMD-P	79-08-064	308-52-200	REP	79-10-040	308-61-130	AMD-E	79-08-063
304-25	AMD-P	79-08-065	308-52-210	REP-P	79-08-082	308-61-130	AMD-P	79-08-088
304-25-010	AMD-P	79-05-127	308-52-210	REP	79-10-040	308-61-130	AMD	79-10-011
304-25-020	AMD-P	79-05-127	308-52-220	REP-P	79-08-082	308-61-140	AMD-P	79-08-088
304-25-030	AMD-P	79-05-127	308-52-220	REP	79-10-040	308-61-140	AMD	79-10-011
304-25-040	AMD-P	79-05-127	308-52-230	REP-P	79-08-082	308-61-155	NEW-E	79-08-063
304-25-050	AMD-P	79-05-127	308-52-230	REP	79-10-040	308-61-155	NEW-P	79-08-088
304-25-060	AMD-P	79-05-127	308-52-240	REP-P	79-08-082	308-61-155	NEW	79-10-011
304-25-070	REP-P	79-05-127	308-52-240	REP	79-10-040	308-61-160	NEW-E	79-08-063
304-25-080	REP-P	79-05-127	308-52-260	AMD-P	79-03-093	308-61-160	NEW-P	79-08-088
304-25-090	AMD-P	79-05-127	308-52-260	AMD	79-06-063	308-61-160	NEW	79-10-011
304-25-100	AMD-P	79-05-127	308-52-405	AMD-P	79-03-093	308-61-165	NEW-E	79-08-063
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304-25-520	NEW-P	79-05-126	308-52-500	NEW-P	79-03-091	308-61-165	NEW	79-10-011
304-25-530	NEW-P	79-05-126	308-52-500	NEW	79-06-055	308-61-170	NEW-E	79-08-063
304-25-540	NEW-P	79-05-126	308-52-510	NEW-P	79-03-091	308-61-170	NEW-P	79-08-088
304-25-550	NEW-P	79-05-126	308-52-510	NEW	79-06-055	308-61-170	NEW	79-10-011
304-25-560	NEW-P	79-05-126	308-52-520	NEW-P	79-03-091	308-61-180	NEW-E	79-08-063
304-25-570	NEW-P	79-05-126	308-52-520	NEW	79-06-055	308-61-180	NEW-P	79-08-088
304-25-580	NEW-P	79-05-126	308-52-530	NEW-P	79-03-091	308-61-180	NEW	79-10-011
304-25-590	NEW-P	79-05-126	308-52-530	NEW	79-06-055	308-61-200	AMD-P	79-08-088
308-12-311	NEW-E	79-02-043	308-52-540	NEW-P	79-03-091	308-61-200	AMD	79-10-011
308-12-311	NEW-P	79-02-067	308-52-540	NEW	79-06-055	308-61-210	AMD-P	79-08-088
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308-24-300	AMD-E	79-09-086	308-52-560	NEW-P	79-03-091	308-61-220	AMD	79-10-011
308-24-310	AMD-P	79-09-084	308-52-560	NEW	79-06-055	308-61-230	AMD-P	79-08-088
308-24-310	AMD-E	79-09-086	308-52-570	NEW-P	79-03-091	308-61-230	AMD	79-10-011
308-24-335	NEW	79-02-012	308-52-570	NEW	79-06-055	308-61-260	AMD-P	79-08-088
308-24-370	AMD-P	79-09-084	308-52-580	NEW-P	79-03-091	308-61-260	AMD	79-10-011
308-24-370	AMD-E	79-09-086	308-52-580	NEW	79-06-055	308-61-270	AMD-P	79-08-088
308-24-403	AMD-P	79-09-084	308-53-080	NEW-P	79-10-108	308-61-270	AMD	79-10-011
308-24-403	AMD-E	79-09-086	308-53-100	AMD-P	79-10-108	308-61-300	AMD-P	79-08-087
308-24-430	AMD-P	79-09-084	308-53-125	NEW-P	79-10-108	308-61-300	AMD	79-10-010
308-24-430	AMD-E	79-09-086	308-53-135	NEW-P	79-10-108	308-61-310	AMD-P	79-08-087
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308-24-460	AMD-P	79-09-084	308-53-165	NEW-P	79-10-108	308-61-320	AMD	79-10-010
308-24-460	AMD-E	79-09-086	308-53-245	NEW-P	79-10-108	308-61-330	AMD-P	79-08-087
308-24-470	AMD-P	79-09-084	308-53-270	NEW-P	79-10-108	308-61-330	AMD	79-10-010
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308-24-490	AMD-E	79-09-086	308-54-125	NEW-P	79-10-126	308-61-400	AMD-P	79-08-087
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308-29-050	NEW	79-06-084	308-54-140	AMD-P	79-10-126	308-61-410	AMD-P	79-08-087
308-29-060	NEW-P	79-04-080	308-54-155	NEW-P	79-10-126	308-61-410	AMD	79-10-010
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308-61-440	AMD	79-10-010	308-77-190	NEW	79-08-140	308-128F-060	NEW	79-07-009
308-61-450	AMD-P	79-08-087	308-77-200	REP-P	79-06-104	308-128F-070	NEW-P	79-05-123
308-61-450	AMD	79-10-010	308-77-200	REP-E	79-06-108	308-128F-070	NEW	79-07-009
308-77-010	AMD-P	79-06-104	308-77-200	REP	79-08-140	308-138-025	NEW-P	79-10-122
308-77-010	AMD-E	79-06-108	308-77-210	REP-P	79-06-104	308-138-055	NEW-P	79-10-120
308-77-010	AMD	79-08-140	308-77-210	REP-E	79-06-108	308-138-065	NEW-P	79-10-120
308-77-020	AMD-P	79-06-104	308-77-210	REP	79-08-140	308-138-100	NEW	79-02-011
308-77-020	AMD-E	79-06-108	308-77-220	AMD-P	79-06-104	308-138-110	NEW	79-02-011
308-77-020	AMD	79-08-140	308-77-220	AMD-E	79-06-108	308-138-120	NEW	79-02-011
308-77-030	AMD-P	79-06-104	308-77-220	AMD	79-08-140	308-138-130	NEW	79-02-011
308-77-030	AMD-E	79-06-108	308-77-230	AMD-P	79-06-104	308-138-140	NEW	79-02-011
308-77-030	AMD	79-08-140	308-77-230	AMD-E	79-06-108	308-138-150	NEW	79-02-011
308-77-032	NEW-P	79-06-104	308-77-230	AMD	79-08-140	308-138-160	NEW	79-02-011
308-77-032	NEW-E	79-06-108	308-77-240	AMD-P	79-06-104	308-138-170	NEW	79-02-011
308-77-032	NEW	79-08-140	308-77-240	AMD-E	79-06-108	308-138-180	NEW	79-02-011
308-77-034	NEW-P	79-06-104	308-77-240	AMD	79-08-140	308-138-200	NEW-P	79-10-121
308-77-034	NEW-E	79-06-108	308-77-250	AMD-P	79-06-104	308-138-210	NEW-P	79-10-121
308-77-034	NEW	79-08-140	308-77-250	AMD-E	79-06-108	308-138-220	NEW-P	79-10-121
308-77-040	AMD-P	79-06-104	308-77-250	AMD	79-08-140	308-138-230	NEW-P	79-10-121
308-77-040	AMD-E	79-06-108	308-77-265	AMD-P	79-06-104	308-138-300	NEW-P	79-10-123
308-77-040	AMD	79-08-140	308-77-265	AMD-E	79-06-108	308-138-310	NEW-P	79-10-123
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308-77-070	AMD-E	79-06-108	308-120-440	NEW	79-09-038	308-300-230	NEW-P	79-08-141
308-77-070	AMD	79-08-140	308-120-450	NEW	79-09-038	308-300-230	NEW	79-09-123
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308-77-080	AMD-E	79-06-108	308-121-010	NEW	79-10-030	308-300-240	NEW-P	79-08-141
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308-77-090	AMD-P	79-06-104	308-121-020	NEW	79-10-030	308-300-250	NEW-E	79-07-099
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308-77-095	NEW-E	79-06-108	308-121-040	NEW	79-10-030	308-300-260	NEW-P	79-08-141
308-77-095	NEW	79-08-140	308-121-050	NEW-P	79-08-097	308-300-260	NEW	79-09-123
308-77-100	AMD-P	79-06-104	308-121-050	NEW	79-10-030	308-300-270	NEW-E	79-07-099
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308-77-110	AMD-E	79-06-108	308-122-220	AMD-P	79-03-041	308-300-280	NEW-P	79-08-141
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308-77-120	AMD-E	79-06-108	308-122-225	NEW	79-08-008	308-300-290	NEW-P	79-08-141
308-77-120	AMD	79-08-140	308-122-230	AMD-P	79-02-075	308-300-290	NEW	79-09-123
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308-77-130	AMD-E	79-06-108	308-122-230	AMD	79-08-009	314-52-015	AMD-P	79-08-012
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388-28-515	AMD	79-06-007	388-52-166	AMD	79-03-013	388-54-462	REP	79-03-033
388-28-520	NEW	79-04-013	388-53A-010	NEW-P	79-04-052	388-54-465	REP-E	79-03-032
388-28-525	REP	79-04-013	388-53A-010	NEW-E	79-04-055	388-54-465	REP	79-03-033
388-28-530	AMD-E	79-08-027	388-53A-010	NEW	79-06-082	388-54-470	AMD-E	79-01-090
388-28-530	AMD-P	79-08-028	388-53A-020	NEW-P	79-04-052	388-54-470	REP-E	79-03-032
388-28-530	AMD	79-10-083	388-53A-020	NEW-E	79-04-055	388-54-470	REP	79-03-033
388-28-575	AMD-P	79-04-054	388-53A-020	NEW	79-06-082	388-54-475	REP-E	79-03-032
388-28-575	AMD-E	79-04-063	388-53A-030	NEW-P	79-04-052	388-54-475	REP	79-03-033
388-28-575	AMD	79-06-027	388-53A-030	NEW-E	79-04-055	388-54-480	REP-E	79-03-032
388-29-100	AMD-E	79-08-027	388-53A-030	NEW	79-06-082	388-54-480	REP	79-03-033
388-29-100	AMD-P	79-08-028	388-53A-040	NEW-P	79-04-052	388-54-485	REP-E	79-03-032
388-29-100	AMD	79-10-083	388-53A-040	NEW-E	79-04-055	388-54-485	REP	79-03-033
388-29-110	AMD-E	79-08-027	388-53A-040	NEW	79-06-082	388-54-490	REP-E	79-03-032
388-29-110	AMD-P	79-08-028	388-53A-050	NEW-P	79-04-052	388-54-490	REP	79-03-033
388-29-110	AMD	79-10-083	388-53A-050	NEW-E	79-04-055	388-54-495	REP-E	79-03-032
388-29-125	AMD-E	79-08-027	388-53A-050	NEW	79-06-082	388-54-495	REP	79-03-033
388-29-125	AMD-P	79-08-028	388-53A-060	NEW-P	79-04-052	388-54-500	REP-E	79-03-032
388-29-125	AMD	79-10-083	388-53A-060	NEW-E	79-04-055	388-54-500	REP	79-03-033
388-29-130	AMD-P	79-01-089	388-53A-060	NEW	79-06-082	388-54-505	REP-E	79-03-032
388-29-130	AMD	79-04-036	388-53A-070	NEW-P	79-04-052	388-54-505	REP	79-03-033
388-29-130	AMD-E	79-08-027	388-53A-070	NEW-E	79-04-055	388-54-510	AMD	79-01-085
388-29-130	AMD-P	79-08-028	388-53A-070	NEW	79-06-082	388-54-510	REP-E	79-03-032
388-29-130	AMD	79-10-083	388-53A-080	NEW-P	79-04-052	388-54-510	REP	79-03-033
388-29-135	AMD-E	79-08-027	388-53A-080	NEW-E	79-04-055	388-54-515	REP-E	79-03-032
388-29-135	AMD-P	79-08-028	388-53A-080	NEW	79-06-082	388-54-515	REP	79-03-033
388-29-135	AMD	79-10-083	388-53A-090	NEW-P	79-04-052	388-54-520	REP-E	79-03-032
388-29-145	AMD-E	79-08-027	388-53A-090	NEW-E	79-04-055	388-54-520	REP	79-03-033
388-29-145	AMD-P	79-08-028	388-53A-090	NEW	79-06-082	388-54-525	REP-E	79-03-032
388-29-145	AMD	79-10-083	388-53A-100	NEW-P	79-04-052	388-54-525	REP	79-03-033
388-29-155	AMD-P	79-03-075	388-53A-100	NEW-E	79-04-055	388-54-526	REP-E	79-03-032
388-29-155	AMD-E	79-03-081	388-53A-100	NEW	79-06-082	388-54-526	REP	79-03-033
388-29-155	AMD	79-06-007	388-53A-110	NEW-P	79-04-052	388-54-527	REP-E	79-03-032
388-29-155	AMD-E	79-08-027	388-53A-110	NEW-E	79-04-055	388-54-527	REP	79-03-033
388-29-155	AMD-P	79-08-028	388-53A-110	NEW	79-06-082	388-54-528	REP-E	79-03-032
388-29-155	AMD	79-10-083	388-53A-120	NEW-P	79-04-052	388-54-528	REP	79-03-033



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388-54-530	REP	79-03-033	388-54-695	NEW-E	79-03-032	388-54-825	REP-P	79-08-048
388-54-535	REP-E	79-03-032	388-54-695	NEW	79-03-033	388-54-825	REP-E	79-08-049
388-54-535	REP	79-03-033	388-54-700	REP-E	79-03-032	388-54-825	REP	79-10-084
388-54-540	AMD-E	79-01-090	388-54-700	REP	79-03-033	388-54-826	NEW-P	79-08-048
388-54-540	REP-E	79-03-032	388-54-705	REP-E	79-03-032	388-54-826	NEW-E	79-08-049
388-54-540	REP	79-03-033	388-54-705	REP	79-03-033	388-54-826	NEW	79-10-084
388-54-545	REP-E	79-03-032	388-54-710	REP-E	79-03-032	388-54-827	NEW-P	79-08-048
388-54-545	REP	79-03-033	388-54-710	REP	79-03-033	388-54-827	NEW-E	79-08-049
388-54-550	AMD-E	79-01-090	388-54-715	NEW-E	79-03-032	388-54-827	NEW	79-10-084
388-54-550	REP-E	79-03-032	388-54-715	NEW	79-03-033	388-54-828	NEW-P	79-08-048
388-54-550	REP	79-03-033	388-54-717	NEW-E	79-03-032	388-54-828	NEW-E	79-08-049
388-54-555	AMD-E	79-01-090	388-54-717	NEW	79-03-033	388-54-828	NEW	79-10-084
388-54-555	REP-E	79-03-032	388-54-720	NEW-E	79-03-032	388-54-830	NEW-E	79-03-032
388-54-555	REP	79-03-033	388-54-720	NEW	79-03-033	388-54-830	NEW	79-03-033
388-54-560	REP-E	79-03-032	388-54-725	NEW-E	79-03-032	388-54-835	NEW-E	79-03-032
388-54-560	REP	79-03-033	388-54-725	NEW	79-03-033	388-54-835	NEW	79-03-033
388-54-565	REP-E	79-03-032	388-54-730	NEW-E	79-03-032	388-54-835	AMD-E	79-05-002
388-54-565	REP	79-03-033	388-54-730	NEW	79-03-033	388-54-840	NEW-E	79-03-032
388-54-570	REP-E	79-03-032	388-54-730	AMD-P	79-07-032	388-54-840	NEW	79-03-033
388-54-570	REP	79-03-033	388-54-730	AMD-E	79-07-082	388-54-840	AMD-E	79-05-002
388-54-575	REP-E	79-03-032	388-54-730	AMD	79-09-033	388-55-010	AMD	79-02-025
388-54-575	REP	79-03-033	388-54-735	NEW-E	79-03-032	388-57-015	AMD	79-03-013
388-54-580	REP-E	79-03-032	388-54-735	NEW	79-03-033	388-57-015	AMD-E	79-08-127
388-54-580	REP	79-03-033	388-54-735	AMD-E	79-06-009	388-57-015	AMD-P	79-08-128
388-54-585	REP-E	79-03-032	388-54-735	AMD-P	79-06-010	388-57-020	AMD-E	79-08-127
388-54-585	REP	79-03-033	388-54-735	AMD	79-08-126	388-57-020	AMD-P	79-08-128
388-54-590	REP-E	79-03-032	388-54-740	NEW-E	79-03-032	388-57-025	AMD	79-03-013
388-54-590	REP	79-03-033	388-54-740	NEW	79-03-033	388-57-025	AMD-E	79-08-127
388-54-595	REP-E	79-03-032	388-54-740	AMD-P	79-07-032	388-57-025	AMD-P	79-08-128
388-54-595	REP	79-03-033	388-54-740	AMD-E	79-07-082	388-57-028	AMD-E	79-08-127
388-54-598	REP-E	79-03-032	388-54-740	AMD	79-09-033	388-57-028	AMD-P	79-08-128
388-54-598	REP	79-03-033	388-54-745	NEW-E	79-03-032	388-57-030	AMD	79-03-013
388-54-600	NEW-E	79-03-032	388-54-745	NEW	79-03-033	388-57-030	AMD-E	79-08-127
388-54-600	NEW	79-03-033	388-54-750	NEW-E	79-03-032	388-57-030	AMD-P	79-08-128
388-54-605	NEW-E	79-03-032	388-54-750	NEW	79-03-033	388-57-056	AMD-E	79-08-127
388-54-605	NEW	79-03-033	388-54-755	NEW-E	79-03-032	388-57-056	AMD-P	79-08-128
388-54-610	NEW-E	79-03-032	388-54-755	NEW	79-03-033	388-57-057	AMD-E	79-08-127
388-54-610	NEW	79-03-033	388-54-760	NEW-E	79-03-032	388-57-057	AMD-P	79-08-128
388-54-620	NEW-E	79-03-032	388-54-760	NEW	79-03-033	388-57-061	AMD	79-03-013
388-54-620	NEW	79-03-033	388-54-765	NEW-E	79-03-032	388-57-061	AMD-E	79-08-127
388-54-625	NEW-E	79-03-032	388-54-765	NEW	79-03-033	388-57-061	AMD-P	79-08-128
388-54-625	NEW	79-03-033	388-54-765	AMD-E	79-05-028	388-57-062	AMD	79-03-013
388-54-630	NEW-E	79-03-032	388-54-765	AMD-P	79-05-029	388-57-064	AMD-P	79-08-040
388-54-630	NEW	79-03-033	388-54-765	AMD	79-07-057	388-57-064	AMD-E	79-08-042
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388-54-635	NEW	79-03-033	388-54-770	NEW	79-03-033	388-59-010	AMD-P	79-01-089
388-54-640	NEW-E	79-03-032	388-54-775	NEW-E	79-03-032	388-59-010	AMD	79-04-036
388-54-640	NEW	79-03-033	388-54-775	NEW	79-03-033	388-59-020	AMD-P	79-01-089
388-54-645	NEW-E	79-03-032	388-54-780	NEW-E	79-03-032	388-59-020	AMD	79-04-036
388-54-645	NEW	79-03-033	388-54-780	NEW	79-03-033	388-59-030	AMD-P	79-01-089
388-54-650	NEW-E	79-03-032	388-54-785	NEW-E	79-03-032	388-59-030	AMD	79-04-036
388-54-650	NEW	79-03-033	388-54-785	NEW	79-03-033	388-59-040	AMD-P	79-01-089
388-54-655	NEW-E	79-03-032	388-54-785	AMD-P	79-07-032	388-59-040	AMD	79-04-036
388-54-655	NEW	79-03-033	388-54-785	AMD-E	79-07-082	388-59-045	NEW-P	79-01-089
388-54-660	NEW-E	79-03-032	388-54-785	AMD	79-09-033	388-59-045	NEW	79-04-036
388-54-660	NEW	79-03-033	388-54-790	NEW-E	79-03-032	388-59-048	NEW-P	79-01-089
388-54-665	NEW-E	79-03-032	388-54-790	NEW	79-03-033	388-59-048	NEW	79-04-036
388-54-665	NEW	79-03-033	388-54-795	NEW-E	79-03-032	388-59-050	AMD-P	79-01-089
388-54-670	NEW-E	79-03-032	388-54-795	NEW	79-03-033	388-59-050	AMD	79-04-036
388-54-670	NEW	79-03-033	388-54-800	NEW-E	79-03-032	388-59-060	AMD-P	79-01-089
388-54-670	AMD-E	79-05-028	388-54-800	NEW	79-03-033	388-59-060	AMD	79-04-036
388-54-670	AMD-P	79-05-029	388-54-805	NEW-E	79-03-032	388-59-090	AMD-P	79-01-089
388-54-670	AMD	79-07-057	388-54-805	NEW	79-03-033	388-59-090	AMD	79-04-036
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388-54-675	NEW	79-03-033	388-54-810	NEW	79-03-033	388-70-013	AMD-E	79-07-077
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388-54-677	NEW-E	79-05-045	388-54-815	NEW	79-03-033	388-70-022	AMD-P	79-02-069
388-54-677	NEW	79-07-056	388-54-820	NEW-E	79-03-032	388-70-022	AMD	79-04-062
388-54-680	NEW-E	79-03-032	388-54-820	NEW	79-03-033	388-70-022	AMD-P	79-07-076
388-54-680	NEW	79-03-033	388-54-820	AMD-E	79-05-028	388-70-022	AMD-E	79-07-077
388-54-685	NEW-E	79-03-032	388-54-820	AMD-P	79-05-029	388-70-022	AMD	79-10-026
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388-70-700	AMD-E	79-07-077	388-73-802	NEW-P	79-07-076	388-91-016	AMD-P	79-04-028
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388-73-012	AMD-E	79-07-077	388-73-810	NEW-P	79-07-076	388-91-035	AMD-P	79-04-028
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388-73-014	AMD-E	79-07-077	388-73-820	NEW-P	79-07-076	388-91-040	AMD	79-06-034
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388-73-020	AMD-P	79-07-076	388-73-820	NEW	79-10-026	388-92-005	AMD	79-06-034
388-73-020	AMD-E	79-07-077	388-80-005	AMD-P	79-06-042	388-92-020	AMD-P	79-06-042
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388-73-056	AMD-P	79-07-076	388-83-045	AMD-P	79-08-041	388-93-055	AMD-P	79-08-041
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388-73-216	AMD	79-10-026	388-86-120	AMD-P	79-04-028	388-96-722	AMD-E	79-10-104
388-73-304	AMD-P	79-07-076	388-86-120	AMD	79-06-034	388-96-722	AMD-P	79-10-153
388-73-304	AMD-E	79-07-077	388-87-010	AMD-P	79-04-028	388-96-727	AMD-P	79-02-081
388-73-304	AMD	79-10-026	388-87-010	AMD	79-06-034	388-96-727	AMD-P	79-04-101
388-73-306	AMD-P	79-07-076	388-87-015	AMD-P	79-10-037	388-96-727	AMD-E	79-07-087
388-73-306	AMD-E	79-07-077	388-87-015	AMD-E	79-10-038	388-96-727	AMD-P	79-07-104
388-73-306	AMD	79-10-026	388-87-025	AMD-P	79-04-028	388-96-727	AMD-E	79-10-104
388-73-604	AMD-P	79-07-076	388-87-025	AMD	79-06-034	388-96-727	AMD-P	79-10-153
388-73-604	AMD-E	79-07-077	388-87-027	AMD-P	79-07-029	388-96-735	AMD-P	79-04-101
388-73-604	AMD	79-10-026	388-87-027	AMD	79-09-053	388-96-735	AMD-E	79-07-087
388-73-606	AMD-P	79-07-076	388-87-050	AMD-P	79-04-028	388-96-735	AMD-P	79-07-104
388-73-606	AMD-E	79-07-077	388-87-050	AMD	79-06-034	388-96-735	AMD-E	79-10-104
388-73-606	AMD	79-10-026	388-87-077	AMD-P	79-04-028	388-96-735	AMD-P	79-10-153
388-73-610	AMD-P	79-07-076	388-87-077	AMD	79-06-034	388-96-743	NEW-P	79-04-101
388-73-610	AMD-E	79-07-077	388-88-117	NEW	79-01-084	388-96-743	AMD-E	79-07-087
388-73-610	AMD	79-10-026	388-91-010	AMD-P	79-04-028	388-96-743	AMD-P	79-07-104

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-96-743	AMD-E	79-10-104	392-147-015	REP-P	79-10-171	402-70-010	NEW-P	79-10-113
388-96-743	AMD-P	79-10-153	392-147-020	REP-P	79-10-171	402-70-020	NEW-P	79-10-113
388-96-750	NEW-P	79-02-058	392-147-025	REP-P	79-10-171	402-70-030	NEW-P	79-10-113
388-96-750	NEW	79-04-061	392-147-030	REP-P	79-10-171	402-70-050	NEW-P	79-10-113
390-05-235	NEW-P	79-05-096	392-147-035	REP-P	79-10-171	402-70-070	NEW-P	79-10-113
390-05-235	NEW	79-08-046	392-171-350	AMD-E	79-10-116	402-70-090	NEW-P	79-10-113
390-05-270	REP	79-02-056	392-171-350	AMD-P	79-10-169	415-112-400	AMD-E	79-08-054
390-05-271	NEW	79-02-056	392-171-355	AMD-E	79-10-116	415-112-400	AMD-P	79-08-055
390-05-273	NEW	79-02-056	392-171-355	AMD-P	79-10-169	415-112-400	AMD	79-10-024
390-12-010	AMD-P	79-08-098	392-171-356	NEW-E	79-10-116	419-36-010	NEW-P	79-04-022
390-12-010	AMD	79-10-070	392-171-356	NEW-P	79-10-169	419-36-010	NEW	79-07-002
390-12-050	NEW-P	79-07-072	392-185-010	AMD-P	79-10-168	419-36-020	NEW-P	79-04-022
390-12-050	NEW	79-10-017	392-185-040	AMD-P	79-10-168	419-36-020	NEW	79-07-002
390-14-100	AMD-P	79-07-072	392-185-090	AMD-P	79-10-168	419-36-030	NEW-P	79-04-022
390-14-100	AMD	79-10-017	392-195-015	AMD-P	79-10-170	419-36-030	NEW	79-07-002
390-16-039	AMD-P	79-05-096	402-19-010	NEW-P	79-10-113	419-36-040	NEW-P	79-04-022
390-16-039	AMD-P	79-07-059	402-19-190	NEW-P	79-10-113	419-36-040	NEW	79-07-002
390-16-039	AMD	79-09-041	402-19-220	NEW-P	79-10-113	419-36-050	NEW-P	79-04-022
390-16-055	AMD-P	79-05-096	402-19-240	NEW-P	79-10-113	419-36-050	NEW	79-07-002
390-16-055	AMD-P	79-07-059	402-19-250	NEW-P	79-10-113	419-36-060	NEW-P	79-04-022
390-16-055	AMD	79-09-041	402-19-300	NEW-P	79-10-113	419-36-060	NEW	79-07-002
390-16-120	AMD-P	79-05-096	402-19-350	NEW-P	79-10-113	419-36-070	NEW-P	79-04-022
390-16-120	AMD	79-08-046	402-19-370	NEW-P	79-10-113	419-36-070	NEW	79-07-002
390-20-023	NEW-P	79-06-071	402-19-400	NEW-P	79-10-113	419-36-080	NEW-P	79-04-022
390-20-023	NEW	79-09-041	402-19-500	NEW-P	79-10-113	419-36-080	NEW	79-07-002
390-20-028	REP-P	79-09-069	402-19-550	NEW-P	79-10-113	419-40-010	NEW-P	79-05-032
390-20-050	AMD-E	79-07-060	402-19-580	NEW-P	79-10-113	419-40-010	NEW	79-08-047
390-20-050	AMD-P	79-07-072	402-20-010	REP-P	79-10-113	419-40-020	NEW-P	79-05-032
390-20-050	AMD-P	79-09-070	402-20-020	REP-P	79-10-113	419-40-020	NEW	79-08-047
390-20-051	REP-P	79-09-069	402-20-030	REP-P	79-10-113	419-40-030	NEW-P	79-05-032
390-20-052	NEW-P	79-09-069	402-20-040	REP-P	79-10-113	419-40-030	NEW	79-08-047
390-20-053	REP-P	79-09-069	402-20-050	REP-P	79-10-113	419-40-040	NEW-P	79-05-032
390-20-055	REP-P	79-09-069	402-20-060	REP-P	79-10-113	419-40-040	NEW	79-08-047
390-24-020	AMD-P	79-09-069	402-20-070	REP-P	79-10-113	419-40-050	NEW-P	79-05-032
390-37-050	AMD-P	79-05-096	402-20-073	REP-P	79-10-113	419-40-050	NEW	79-08-047
390-37-050	AMD	79-08-046	402-20-076	REP-P	79-10-113	419-48-010	NEW-P	79-08-095
390-37-150	NEW-P	79-05-096	402-20-080	REP-P	79-10-113	419-48-010	NEW	79-10-043
390-37-150	NEW	79-08-046	402-20-090	REP-P	79-10-113	419-48-020	NEW-P	79-08-095
391-21-003	NEW	79-03-015	402-20-100	REP-P	79-10-113	419-48-020	NEW	79-10-043
392-32	REP-P	79-05-101	402-20-110	REP-P	79-10-113	419-48-030	NEW-P	79-08-095
392-32	REP	79-07-006	402-20-120	REP-P	79-10-113	419-48-030	NEW	79-10-043
392-40	REP-P	79-05-100	402-20-130	REP-P	79-10-113	419-48-040	NEW-P	79-08-095
392-40	REP	79-07-004	402-20-170	REP-P	79-10-113	419-48-040	NEW	79-10-043
392-40-005	REP-P	79-05-100	402-20-180	REP-P	79-10-113	419-48-051	NEW-P	79-08-095
392-40-005	REP	79-07-004	402-20-190	REP-P	79-10-113	419-48-051	NEW	79-10-043
392-40-010	REP-P	79-05-100	402-20-200	REP-P	79-10-113	419-48-052	NEW-P	79-08-095
392-40-010	REP	79-07-004	402-20-210	REP-P	79-10-113	419-48-052	NEW	79-10-043
392-40-990	REP-P	79-05-100	402-20-220	REP-P	79-10-113	419-48-053	NEW-P	79-08-095
392-40-990	REP	79-07-004	402-20-240	REP-P	79-10-113	419-48-053	NEW	79-10-043
392-125-005	AMD-P	79-05-099	402-20-250	REP-P	79-10-113	419-48-054	NEW-P	79-08-095
392-125-005	AMD	79-07-005	402-20-260	REP-P	79-10-113	419-48-054	NEW	79-10-043
392-125-015	AMD-P	79-05-099	402-20-270	REP-P	79-10-113	419-48-055	NEW-P	79-08-095
392-125-015	AMD	79-07-005	402-21-010	NEW-P	79-10-113	419-48-055	NEW	79-10-043
392-125-035	AMD-P	79-05-099	402-21-030	NEW-P	79-10-113	419-48-060	NEW-P	79-08-095
392-125-035	AMD	79-07-005	402-21-050	NEW-P	79-10-113	419-48-060	NEW	79-10-043
392-125-036	NEW-P	79-05-099	402-21-100	NEW-P	79-10-113	419-48-070	NEW-P	79-08-095
392-125-036	NEW	79-07-005	402-22-010	NEW-P	79-10-113	419-48-070	NEW	79-10-043
392-131-015	AMD-E	79-09-119	402-22-020	NEW-P	79-10-113	419-48-080	NEW-P	79-08-095
392-139-010	AMD-E	79-10-174	402-22-040	NEW-P	79-10-113	419-48-080	NEW	79-10-043
392-139-015	AMD-E	79-10-174	402-22-045	NEW-P	79-10-113	419-48-090	NEW-P	79-08-095
392-139-020	AMD-E	79-10-174	402-22-050	NEW-P	79-10-113	419-48-090	NEW	79-10-043
392-139-025	AMD-E	79-10-174	402-22-055	NEW-P	79-10-113	419-48-100	NEW-P	79-08-095
392-139-030	AMD-E	79-10-174	402-22-060	NEW-P	79-10-113	419-48-100	NEW	79-10-043
392-139-035	AMD-E	79-10-174	402-22-065	NEW-P	79-10-113	419-48-110	NEW-P	79-08-095
392-139-040	AMD-E	79-10-174	402-22-070	NEW-P	79-10-113	419-48-110	NEW	79-10-043
392-139-045	AMD-E	79-10-174	402-22-090	NEW-P	79-10-113	419-48-120	NEW-P	79-08-095
392-143-005	AMD-P	79-10-172	402-22-110	NEW-P	79-10-113	419-48-120	NEW	79-10-043
392-143-010	AMD-P	79-10-172	402-22-200	NEW-P	79-10-113	419-48-130	NEW-P	79-08-095
392-143-045	REP-P	79-10-172	402-22-250	NEW-P	79-10-113	419-48-130	NEW	79-10-043
392-143-070	AMD-P	79-10-172	402-52-005	NEW-P	79-10-113	419-48-140	NEW-P	79-08-095
392-143-075	AMD-P	79-10-172	402-52-010	AMD-P	79-10-113	419-48-140	NEW	79-10-043
392-145-010	AMD-P	79-10-173	402-52-015	NEW-P	79-10-113	419-48-150	NEW-P	79-08-095
392-145-030	AMD-P	79-10-173	402-52-020	AMD-P	79-10-113	419-48-150	NEW	79-10-043
392-147-010	REP-P	79-10-171	402-52-025	NEW-P	79-10-113	434-28-050	NEW-P	79-06-092

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434-28-050	NEW-E	79-08-017	458-40-18632	NEW-E	79-07-083	458-53-060	NEW-P	79-08-093
434-81-010	NEW-P	79-03-094	458-40-18632	NEW	79-07-084	458-53-070	NEW-E	79-08-092
434-81-010	NEW	79-05-024	458-40-18633	NEW-P	79-05-119	458-53-070	NEW-P	79-08-093
434-81-020	NEW-P	79-03-094	458-40-18633	NEW-E	79-07-083	458-53-080	NEW-E	79-08-092
434-81-020	NEW	79-05-024	458-40-18633	NEW	79-07-084	458-53-080	NEW-P	79-08-093
434-81-030	NEW-P	79-03-094	458-40-18634	NEW-P	79-05-119	458-53-090	NEW-E	79-08-092
434-81-030	NEW	79-05-024	458-40-18634	NEW-E	79-07-083	458-53-090	NEW-P	79-08-093
434-81-040	NEW-P	79-03-094	458-40-18634	NEW	79-07-084	458-53-100	NEW-E	79-08-092
434-81-040	NEW	79-05-024	458-40-18635	NEW-P	79-05-119	458-53-100	NEW-P	79-08-093
434-81-050	NEW-P	79-03-094	458-40-18635	NEW-E	79-07-083	458-53-110	NEW-E	79-08-092
434-81-050	NEW	79-05-024	458-40-18635	NEW	79-07-084	458-53-110	NEW-P	79-08-093
434-81-060	NEW-P	79-03-094	458-40-18636	NEW-P	79-05-119	458-53-120	NEW-E	79-08-092
434-81-060	NEW	79-05-024	458-40-18636	NEW-E	79-07-083	458-53-120	NEW-P	79-08-093
434-81-070	NEW-P	79-03-094	458-40-18636	NEW	79-07-084	458-53-130	NEW-E	79-08-092
434-81-070	NEW	79-05-024	458-40-19000	AMD-P	79-05-119	458-53-130	NEW-P	79-08-093
434-81-080	NEW-P	79-03-094	458-40-19000	AMD-E	79-07-083	458-53-140	NEW-E	79-08-092
434-81-080	NEW	79-05-024	458-40-19000	AMD	79-07-084	458-53-140	NEW-P	79-08-093
434-81-090	NEW-P	79-03-094	458-40-19001	AMD-P	79-05-119	458-53-150	NEW-E	79-08-092
434-81-090	NEW	79-05-024	458-40-19001	AMD-E	79-07-083	458-53-150	NEW-P	79-08-093
434-81-100	NEW-P	79-03-094	458-40-19001	AMD	79-07-084	458-53-160	NEW-E	79-08-092
434-81-100	NEW	79-05-024	458-40-19002	AMD-P	79-05-119	458-53-160	NEW-P	79-08-093
446-10-010	NEW-P	79-02-023	458-40-19002	AMD-E	79-07-083	458-53-170	NEW-E	79-08-092
446-10-010	NEW-E	79-02-024	458-40-19002	AMD	79-07-084	458-53-170	NEW-P	79-08-093
446-10-010	NEW	79-04-037	458-40-19003	AMD-P	79-05-119	458-53-180	NEW-E	79-08-092
446-10-020	NEW-P	79-02-023	458-40-19003	AMD-E	79-07-083	458-53-180	NEW-P	79-08-093
446-10-020	NEW-E	79-02-024	458-40-19003	AMD	79-07-084	458-53-190	NEW-E	79-08-092
446-10-020	NEW	79-04-037	458-40-19004	AMD-P	79-05-119	458-53-190	NEW-P	79-08-093
446-10-030	NEW-P	79-02-023	458-40-19004	AMD-E	79-07-083	458-53-200	NEW-E	79-08-092
446-10-030	NEW-E	79-02-024	458-40-19004	AMD	79-07-084	458-53-200	NEW-P	79-08-093
446-10-030	NEW	79-04-037	458-40-19101	AMD-E	79-06-077	458-53-210	NEW-E	79-08-092
446-10-040	NEW-P	79-02-023	458-40-19101	AMD-P	79-06-094	458-53-210	NEW-P	79-08-093
446-10-040	NEW-E	79-02-024	458-40-19101	AMD	79-08-015	460-16A-156	NEW-P	79-07-125
446-10-040	NEW	79-04-037	458-40-19103	NEW-P	79-10-131	460-16A-156	NEW	79-09-028
446-10-050	NEW-P	79-02-023	458-52-010	REP-E	79-08-092	460-16A-170	AMD-P	79-07-125
446-10-050	NEW-E	79-02-024	458-52-010	REP-P	79-08-093	460-16A-170	AMD	79-09-028
446-10-050	NEW	79-04-037	458-52-020	REP-E	79-08-092	460-32A-300	AMD-P	79-07-125
446-10-060	NEW-P	79-02-023	458-52-020	REP-P	79-08-093	460-32A-300	AMD	79-09-028
446-10-060	NEW-E	79-02-024	458-52-030	REP-E	79-08-092	460-32A-305	REP-P	79-07-125
446-10-060	NEW	79-04-037	458-52-030	REP-P	79-08-093	460-32A-305	REP	79-09-028
446-10-070	NEW-P	79-02-023	458-52-040	REP-E	79-08-092	460-32A-310	REP-P	79-07-125
446-10-070	NEW-E	79-02-024	458-52-040	REP-P	79-08-093	460-32A-310	REP	79-09-028
446-10-070	NEW	79-04-037	458-52-050	REP-E	79-08-092	460-40A-030	REP-P	79-07-125
446-10-080	NEW-P	79-02-023	458-52-050	REP-P	79-08-093	460-40A-030	REP	79-09-028
446-10-080	NEW-E	79-02-024	458-52-060	REP-E	79-08-092	460-42A-080	NEW-P	79-07-125
446-10-080	NEW	79-04-037	458-52-060	REP-P	79-08-093	460-42A-080	NEW	79-09-028
446-10-090	NEW-P	79-02-023	458-52-070	REP-E	79-08-092	460-42A-080	NEW-E	79-09-094
446-10-090	NEW-E	79-02-024	458-52-070	REP-P	79-08-093	460-48A-020	REP-P	79-07-125
446-10-090	NEW	79-04-037	458-52-080	REP-E	79-08-092	460-48A-020	REP	79-09-028
446-10-100	NEW-P	79-02-023	458-52-080	REP-P	79-08-093	460-48A-030	REP-P	79-07-125
446-10-100	NEW-E	79-02-024	458-52-090	REP-E	79-08-092	460-48A-030	REP	79-09-028
446-10-100	NEW	79-04-037	458-52-090	REP-P	79-08-093	460-48A-040	REP-P	79-07-125
446-10-110	NEW-P	79-02-023	458-52-100	REP-E	79-08-092	460-48A-040	REP	79-09-028
446-10-110	NEW-E	79-02-024	458-52-100	REP-P	79-08-093	460-48A-050	REP-P	79-07-125
446-10-110	NEW	79-04-037	458-52-110	REP-E	79-08-092	460-48A-050	REP	79-09-028
446-10-120	NEW-P	79-02-023	458-52-110	REP-P	79-08-093	460-60A-010	AMD-P	79-07-125
446-10-120	NEW-E	79-02-024	458-52-120	REP-E	79-08-092	460-60A-010	AMD	79-09-028
446-10-120	NEW	79-04-037	458-52-120	REP-P	79-08-093	460-60A-015	AMD-P	79-07-125
446-10-130	NEW-P	79-02-023	458-52-130	REP-E	79-08-092	460-60A-015	AMD	79-09-028
446-10-130	NEW-E	79-02-024	458-52-130	REP-P	79-08-093	460-60A-020	AMD-P	79-07-125
446-10-130	NEW	79-04-037	458-52-140	REP-E	79-08-092	460-60A-020	AMD	79-09-028
446-10-140	NEW-P	79-02-023	458-52-140	REP-P	79-08-093	463-39-010	NEW-P	79-06-088
446-10-140	NEW-E	79-02-024	458-52-150	REP-E	79-08-092	463-39-010	NEW	79-09-006
446-10-140	NEW	79-04-037	458-52-150	REP-P	79-08-093	463-39-020	NEW-P	79-06-088
446-10-150	NEW-P	79-02-023	458-53-010	NEW-E	79-08-092	463-39-020	NEW	79-09-006
446-10-150	NEW-E	79-02-024	458-53-010	NEW-P	79-08-093	463-39-030	NEW-P	79-06-088
446-10-150	NEW	79-04-037	458-53-020	NEW-E	79-08-092	463-39-030	NEW	79-09-006
458-20-237	AMD-P	79-04-094	458-53-020	NEW-P	79-08-093	463-39-040	NEW-P	79-06-088
458-20-237	AMD	79-06-036	458-53-030	NEW-E	79-08-092	463-39-040	NEW	79-09-006
458-40-18623	AMD-P	79-06-095	458-53-030	NEW-P	79-08-093	463-39-050	NEW-P	79-06-088
458-40-18623	AMD	79-08-014	458-53-040	NEW-E	79-08-092	463-39-050	NEW	79-09-006
458-40-18631	NEW-P	79-05-119	458-53-040	NEW-P	79-08-093	463-39-060	NEW-P	79-06-088
458-40-18631	NEW-E	79-07-083	458-53-050	NEW-E	79-08-092	463-39-060	NEW	79-09-006
458-40-18631	NEW	79-07-084	458-53-050	NEW-P	79-08-093	463-39-080	NEW-P	79-06-088
458-40-18632	NEW-P	79-05-119	458-53-060	NEW-E	79-08-092	463-39-080	NEW	79-09-006

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
463-39-100	NEW-P	79-06-088	468-58-100	AMD-P	79-05-092	478-116-340	AMD-P	79-04-084
463-39-100	NEW	79-09-006	468-58-100	AMD-P	79-07-024	478-116-340	AMD	79-09-004
463-39-110	NEW-P	79-06-088	468-58-100	AMD	79-08-061	478-116-360	AMD-P	79-04-084
463-39-110	NEW	79-09-006	468-84-010	NEW-E	79-09-114	478-116-360	AMD	79-09-004
463-39-115	NEW-P	79-06-088	468-84-010	NEW-P	79-10-149	478-116-450	AMD-P	79-04-084
463-39-115	NEW	79-09-006	468-84-015	NEW-E	79-09-114	478-116-450	AMD	79-09-004
463-39-120	NEW-P	79-06-088	468-84-015	NEW-P	79-10-149	478-116-520	AMD-P	79-04-084
463-39-120	NEW	79-09-006	468-84-110	NEW-E	79-09-114	478-116-520	AMD	79-09-004
463-39-130	NEW-P	79-06-088	468-84-110	NEW-P	79-10-149	478-116-600	AMD-P	79-02-090
463-39-130	NEW	79-09-006	468-84-120	NEW-E	79-09-114	478-116-600	AMD-P	79-04-084
463-39-135	NEW-P	79-06-088	468-84-120	NEW-P	79-10-149	478-116-600	AMD	79-05-053
463-39-135	NEW	79-09-006	468-84-130	NEW-E	79-09-114	478-116-600	AMD	79-09-004
463-39-150	NEW-P	79-06-088	468-84-130	NEW-P	79-10-149	478-116-601	NEW-P	79-04-084
463-39-150	NEW	79-09-006	468-84-135	NEW-E	79-09-114	478-116-601	NEW	79-09-004
463-39-170	NEW-P	79-06-088	468-84-135	NEW-P	79-10-149	478-140-015	AMD-P	79-02-080
463-39-170	NEW	79-09-006	468-84-200	NEW-E	79-09-114	478-140-015	AMD	79-05-025
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468-42-002	AMD	79-04-019	468-84-220	NEW-P	79-10-149	478-140-024	AMD-P	79-02-080
468-42-004	AMD-P	79-02-063	468-84-230	NEW-E	79-09-114	478-140-024	AMD	79-05-025
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468-42-012	AMD	79-04-020	468-84-240	NEW-P	79-10-149	478-156-016	AMD-P	79-07-078
468-42-099	AMD-P	79-06-074	468-84-250	NEW-E	79-09-114	478-156-016	AMD-P	79-09-047
468-42-099	AMD	79-08-058	468-84-250	NEW-P	79-10-149	478-156-017	AMD-P	79-02-089
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468-42-308	NEW	79-04-043	468-84-320	NEW-E	79-09-114	478-168-180	AMD-P	79-05-008
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468-54-010	AMD	79-08-059	468-300-005	AMD-E	79-07-040	478-168-200	AMD	79-10-016
468-54-040	AMD-P	79-05-091	468-300-005	AMD-P	79-07-041	478-168-200	AMD-P	79-05-008
468-54-040	AMD-P	79-07-023	468-300-005	AMD	79-09-136	478-168-270	AMD-P	79-05-008
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468-54-080	AMD-P	79-07-023	468-300-020	AMD-P	79-07-041	478-168-298	NEW	79-10-016
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468-58-030	AMD-P	79-04-001	468-300-040	AMD	79-04-047	478-168-330	AMD-P	79-05-008
468-58-030	AMD-P	79-05-092	468-300-040	AMD-E	79-07-040	478-168-340	AMD	79-10-016
468-58-030	AMD-P	79-06-016	468-300-040	AMD-P	79-07-041	478-168-350	AMD	79-10-016
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468-58-030	AMD-P	79-07-024	468-300-050	AMD-P	79-02-050	478-168-360	AMD	79-10-016
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480-12-180	AMD	79-10-074	490-04A-060	NEW	79-02-019	490-52A-010	REP	79-02-019
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